



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

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MEMORANDUM

**TO : MR VO SENNA
ACTING EXECUTIVE DIRECTOR: IPID**

**FROM : MR M SESOKO
NATIONAL HEAD OF INVESTIGATIONS**

DATE : 25 March 2019

**SUBJECT : DEPARTMENTAL STANDARD OPERATING
PROCEDURE**

PRIORITY : HIGH

1. INTRODUCTION

The Independent Police Investigative Directorate Act, 2011 establishes the Independent Police Investigative Directorate (IPID) to function under the Minister. Independent Police Investigative Directorate is mandated to effectively investigate cases in terms of Section 28 of the IPID Act, Act 1 of 2011.

In order for the IPID to effectively exercise its functions, a policy document "Standard Operating Procedure" (SOP) was developed to serve as an investigative guide on the processes and procedures to be followed. The policy outlines the roles and responsibilities of the officials relating to the investigation. The policy creates uniformity in relation to the investigation of cases. The policy is reviewed annually or as and when there is need.

The firearm, ammunition and related equipment Standard Operating Procedure was reviewed and amalgamated as part B on the investigation policy.

2. POLICY REVIEW

The policy came into effect on the 1st April 2017, however, there were shortcomings identified during the implementation. During the financial year 2018/19 the policy was reviewed to align with the Case Management System.

There aspects addressed and include, among others, following:

- Escalations when Supervisors and the Provincial Management do not action activities allocated to them within a specific timeframe (refer to paragraph 8.10.6 - 8.10.7 of part A).
- An amendment to the way in which Section 28(1)(h) matters are to be dealt with, which requires approval from the Executive Director prior to registration with the date on which the province received the Executive Directors' decision being the date of receipt. This is to reduce the number of cases where the case is registered but is deemed to be outside mandate and then has to be re-classified as such (refer to paragraph 8.4.6 of part A)
- Manual completion of cases as per the endorsement of the relevant report can be used to generate the completion statistics (refer to paragraph 8.10.8 of part A)
- Combining the firearm, ammunition and related equipment SOP with the investigation SOP so that there is a single document that speak to all Programme 2 related matters.
- Regarding the firearm, ammunition and related equipment SOP, the biggest changes relates to the period that permits are valid and what is required to renew a permit. There was consideration made with regard to the new process to renew permits which previously was not in the SOP (refer to paragraph 10.1.3 of part B).
- The Firearms Control Committee is no longer to be used and the duties of the committee is to be performed by the Provincial Management (review and

recommendation of permit requests, refer to paragraph 6.3.7 of part B) and the National Head of Investigations (recommendations to the Executive Director regarding procurement and surrendering of firearms and training related matters refer to paragraph 6.2.2 of part B).

- Firearm, ammunition and related equipment SOP is strengthened in terms of the role that the Security Component plays regarding oversight over issuing and returning of firearms and ammunition (security personnel must always be present whenever the safe is accessed and equipment issued/returned, refer to paragraph 6.5.6 of part B).

3. ENGAGEMENT WITH INTERNAL STAKEHOLDERS ON THE POLICY REVIEW

Provinces other Programmes were engaged with proposed changes provide inputs for consideration on the review of the policy.

It is envisaged that the revised policy should be implemented with effect from 1st April 2019. The National Head of Investigations will issue an instruction to Provincial Management to ensure that members receive training on the SOP. The training should be done on the month of April 2019.

4. RECOMMENDATION

The following recommendations are made for consideration by the Acting Executive Director:

- That the Acting Executive Director signs and approves this policy into operation with effect from 1 April 2019
- Instruction should be issued to Provincial Heads to ensure that training on this policy is presented to members during the month of April 2019

5. CONCLUSION


The policy is an evolving document that is reviewed when there is a need and will have to be reviewed again when the IPID Act is amended as per the Constitutional Court Judgement. It is requested that the Acting Executive Director signs off on the policy.



MR M SESOKO
NATIONAL HEAD OF INVESTIGATIONS

24/03/2019

APPROVED / NOT APPROVED



MR VO SENNA
ACTING EXECUTIVE DIRECTOR: IPID
DATE: 01/4/2019

****CONFIDENTIAL****

POLICY TITLE: INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE INVESTIGATIVE AND FIREARM RELATED STANDARD OPERATING PROCEDURES

POLICY NUMBER	INV/201/2019
POLICY REFERENCE	INV/201/SOP



**INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)
REPUBLIC OF SOUTH AFRICA**

APPROVED  NOT APPROVED

MR. VO SENNA

ACTING EXECUTIVE DIRECTOR: IPID

EFFECTIVE DATE: 01 APRIL 2019


DATE

This Standard Operating Procedure (SOP) consists of two parts:

Part A: Investigative SDPS, pages 3 - 50

Part B: Firearm Related SDP, pages 51 – 75

Note: These Standard Operating Procedures repeals all previous versions as well as Executive Director Instructions relating to previous versions of the Standard Operating Procedure

Part A:
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This Standard Operating Procedure repeals all the previous Standard Operating Procedures and shall be read and implemented in conjunction with the IPID Act, IPID Regulations, Firearm Control SOP, Registers and the Case Flow Chart.

1. PREAMBLE/BACKGRDUND

The Independent Police Investigate Directorate (IPID) Act, Act 1 of 2011 allows for the establishment and investigation of cases as per Section 28 of the Act. This Standard Operating Procedure (SOP) provides for standardisation in terms of investigation processes by IPID investigators.

2. PURPOSE

The purpose of this SOP is to establish policy and methods by which cases should be received, registered, processed and disposed of, while being cognisant of the provisions of the Constitution of the Republic of South Africa Act, Act 108 of 1996; the Independent Police Investigative Directorate Act 1 of 2011; the South African Police Service Act 68 of 1995, as amended; the Criminal Procedure Act 51 of 1977, as amended, the Regulations promulgated under both the South African Police Service Act and the Independent Police Investigative Directorate Act and other relevant legislation.

3. POLICY

It is the policy of the IPID to:

- 3.1. Ensure that investigative assignments to IPID staff are made in a clear and unambiguous manner;

- 3.2. Provide investigators with time frames within which to perform assigned investigative activities;
- 3.3. Require investigative staff to provide regular reports regarding investigations to supervisors;
- 3.4. Ensure that supervisors actively manage the investigative activities of their subordinates;
- 3.5. Ensure that investigations are carried out in a coherent and standard method within the IPID;
- 3.6. To comply with the turnaround time agreed to in respect of the investigation of different Section 28 matters; and
- 3.7. Ensure compliance with established accountability mechanisms.

4. SCOPE

The policy applies to all employees involved in the investigation and management of cases reported and investigated by IPID as well the support structure supporting the investigations.

5. DEFINITIONS

For the purpose of this SOP the following words/ expressions shall mean:

5.1	Act – means the Independent Police Investigative Directorate Act, Act 1 of 2011;
5.2	Acquitted (Criminal) – means a member was found not guilty of a criminal offence and discharged;
5.3	Acquitted (Departmental) - means a member was found not guilty of departmental misconduct;
5.4	Active Investigation – means any case that is still under investigation and no report can be drafted in order to complete the investigation;
5.5	Assistant Director Investigations (ASDI) - means a person appointed at a level lower than the Deputy Director Investigations;

5.6	Backlog – means active cases carried over from previous financial years;
5.7	Brought Forward (B/F) – means a date by which a docket must be submitted to a Supervisor for evaluation of compliance with the directives. Cases should be submitted for inspection at least every 60 days irrespective if the case is Active or Completed, in the event that the NPA or Court gave a date, the B/F date will be five (5) days before the date given by the stakeholder to give sufficient time for the Provincial Management Group and or Supervisor to verify that all outstanding directives/instructions have been attended to;
5.8	Case Docket - Refers to a docket that contains all evidential documents (or copies thereof), correspondence and the investigative journal. It consists of A-E clips. This docket is used to refer the investigation to the NPA for decision (where applicable);
5.9	<p>Case Classification – Refers to the manner in which cases are classified in terms of legislation in terms of Sec 28 and 33 (3) of the IPID Act;</p> <p>28. (1) The Directorate must investigate:</p> <ul style="list-style-type: none"> (a) any deaths in police custody; (b) deaths as a result of police actions; (c) any complaint relating to the discharge of an official firearm by any police officer; (d) rape by a police officer, whether the police officer is on or off duty; (e) rape of any person while that person is in police custody; (f) any complaint of torture or assault against a police officer in the execution of his or her duties; (g) corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be; and (h) any other matter referred to it as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or the Secretary as the case may be, in the prescribed manner. <p>(2) The Directorate may investigate matters relating to systemic corruption involving the police.</p> <p>Section 33</p> <p>(3) Any police officer who fails to comply with Section 29 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding</p>

	two years;
5.10	Case Investigative Journal (CIJ) - refers to a journal used to record all directives and activities undertaken, on the docket and CMS, which journal must always be filed in the "C" clip of the docket;
5.11	Case Investigative Report (CIR) – refers to an investigative report indicating the extent of the investigation and resulting request to generate the appropriate recommendation(s) (if applicable);
5.12	Case Management System (CMS) – means an IPID database used for the electronic recording and processing of cases;
5.13	Case Control Number (CCN) - means a unique computer generated number upon registration and recording of a case in the CMS. The number is relevant for use in all future correspondence by and between IPID and its stakeholders;
5.14	Case Intake Committee (CIC) - refers to a committee that is constituted by no less than three persons, (DI, DDI, ASDI and any available Investigator). In case of unavailability of personnel, the sitting by the PH or DI or DDI or ASDI or PI will constitute a valid sitting;
5.15	Closure of a Case – means the final disposal of a case where investigation, court processes and disciplinary processes have been concluded and the Provincial Management is able to conclude that the case can be closed after which the case is ready for closure on the CMS;
5.16	Closure Report – refers to the report that is generated that outlines the entire case, from receipt till outcome and closure and includes investigation conducted and report/recommendation made to stakeholder(s) and the outcome of the case as well the manner of disposal of exhibits;
5.17	Completion date – means the date on which the applicable reports were manually signed off on by Provincial Management
5.18	Convicted (Criminal) – means a member has been found guilty of a criminal offence;
5.19	Convicted (Departmental) – means a member has been found guilty of Departmental misconduct;
5.20	CPA - means the Criminal Procedure Act 51 of 1977 as amended;
5.21	Criminal Referral Memo – means an investigative memorandum and cover letter which documents the entire investigation and contains summary of affidavits and technical reports, reflects IPID's opinion as to possible prosecution and requests the NPA to make a decision to prosecute or not;

5.22	Death in Police Custody (Section 28(1)(a)) – means death whether natural or unnatural, which occurred while the deceased was in the custody of the SAPS or MPS;
5.23	Death as a Result of Police Action (Section 28(1)(b)) – means the death of any person, including a member of SAPS/MPS or the action of SAPS/MPS, that was caused, or is reasonably believed to have been caused, by a member of the SAPS/MPS when any state asset was involved (e.g. SAPS issued firearm or official SAPS vehicle);
5.24	Declined – means a decision taken by the NPA, SAPS or MPS not to institute criminal or disciplinary proceedings against the member;
5.25	Decision-Ready Investigation – refers to an investigation where an Investigator has conducted quality investigation and obtained all the necessary evidence to either refer the case to the NPA for a decision, or make a recommendation to the SAPS/MPS, or make a Policy related recommendation or a General Recommendation .
5.26	Decision-Ready Investigation (Criminal Referral) – refers to an investigation where IPID is in the position to refer a case to the NPA for a decision;
5.27	Decision-Ready Investigation (Departmental Recommendation) – refers to an investigation where IPID is in the position to refer a Recommendation to the SAPS/MPS;
5.28	Decision-Ready Investigation (Policy Recommendation) – refers to an investigation where IPID is in the position to refer a Policy related Recommendation to the SAPS/MPS, Civilian Secretariat for Police or the Minister;
5.29	Decision-Ready Investigation (General Recommendation) – refers to an investigation where IPID is unable to complete a case based on the completion methods above. These types of recommendations are where cases are referred to any relevant stakeholder for investigation or the case is completed as "Undetected";
5.30	Departmental Recommendation Report – means a comprehensive case investigative report which documents the entire investigation and contains the conclusion, summary of affidavits, with or without technical reports, written recommendations to the SAPS/MPS with regard to whether a member should be departmentally charged or not;
5.31	Deputy Director Investigations (DDI) – means a person appointed as a deputy to the Director of Investigations;
5.32	Directive(s) – Instructions/guidelines issued to the Investigator by the Supervisor;
5.33	Director Investigations (DI) – means a person appointed at the level of Director for

	Investigations at both National and Provincial level and referred to as "Deputy Provincial Head" at provincial level;
5.34	Discharge of an Official Firearm – Any complaint made by a complainant (does not have to be the victim) or notification where a member of SAPS/MPS discharged any official firearm , irrespective of the type of ammunition discharged and irrespective whether member was on or off duty. Where any injury was sustained by the victim as a result of the discharge (attempted murder) or where there is damage to property. If a case does not meet the identified definition, it should be registered as an "outside mandate" case and closed;
5.35	Docket register – Refers to a manual register to be kept in which docket movements and allocations must be recorded;
5.36	DPP – refers to the Director of Public Prosecutions;
5.37	Duplicate – refers to a manner of completion and closure where a case was registered as a duplicate of another case. The duplicated case, upon closure will be removed from the intake and will not generate any performance related statistic;
5.38	EH – Executive Head of the Metro Police Service;
5.39	Electronic case – refers to an electronic/scanned version of the case docket that must be uploaded onto the system and a similar copy kept as backup by the province;
5.40	Exhibit – refers to any item of evidential value collected or obtained during the course of investigation;
5.41	Full Investigation – refers to where an Investigator takes over a docket from the SAPS, conducts an independent enquiry and assessment and proceed with any other search/enquiry for further evidence to enable him/her to make a finding;
5.42	High Profile Cases – refers to an incident which involves a person with a high standing in the community and SAPS/MPS and/or a matter which draws or has the potential of drawing public interest or high media coverage;
5.43	Immediately – means at once, without hesitation or delay or as soon as it is practicable to act;
5.44	Investigator – means any official who investigates complaints as per the IPID Act and includes an Investigator, Senior Investigator, Principal Investigator, Assistant Director Investigation, Deputy Director Investigations, Director Investigation and Chief Director Investigations;
5.45	Investigation – refers to the systematic search of evidence or facts to prove or disprove the allegation being investigated;

5.46	Investigative Support – Any administrative support that assist with capturing of data which includes database clerks, data capturers, complaints receptionists and PA to the Provincial Head. Any person who has access to the system but cannot be allocated a case to be investigated is regarded as investigative support;
5.47	IPID – means the Independent Police Investigative Directorate;
5.48	IPID Investigation Forms – refers to applicable investigative forms that need to be completed whenever a case is being investigated;
5.49	Manual Registration Number – means a temporary number allocated to a case while the CMS is off-line and which will be updated immediately when the CMS is online (the format will be as follows: Province/year/month/number e.g. NW/2016/02/001);
5.50	Manual Complaints Register – refers to a manual register in which all written complaints received are recorded;
5.51	Member – means an official appointed in terms of the South African Police Service Act 68 of 1995, as amended, and includes a member of the MPS;
5.52	Misconduct – includes any act or omission by a member which constitutes a violation of rules, regulations, and standing orders, code of conduct and National Orders;
5.53	MPS – means a Municipal Police Service established under Section 64A of the South African Police Service Act 68 of 1995;
5.54	National Head of Investigations (NHI) - means any person who has been appointed as the Manager for Investigation and Information Management;
5.55	NPA – refers to the National Prosecuting Service which is a body within the National Prosecuting Authority and includes the Director for Public Prosecutions (DPP) and the Senior Public Prosecutor (SPP);
5.56	Offence – includes any violation of common or statutory law;
5.57	Official hours – means normal business hours as contemplated in the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), (PSA) and includes hours stipulated by the IPID Flexi Time Policy and for the purposes of this policy it will be regarded as 7:30 – 16:30;
5.58	Outside Mandate Case – means a case: <ul style="list-style-type: none"> I. Which does not involve a member of the SAPS/MPS; II. Which occurred prior to 1 April 1997; III. That was adjudicated upon by a court of law; and IV. That relates to a <u>service delivery complaint</u> where the complainant/victim

	<p>has not exhausted internal SAPS case mechanisms up to the office of the Provincial Commissioner and is not referred to the IPID by the Minister or the Member of the Executive Council or the Executive Director, <u>unless the Provincial Management of a province is of the opinion that it is in the public interest that the matter be investigated in which case the case must be dealt with as Section 28(1)(h) matter;</u></p> <p>V. Any matter not within the scope of Section 28 of the IPID Act;</p> <p>Note any case where the classification is changed to "Outside Mandate" while the case is still active will be closed and achieved once approval is given for the classification change and no statistical performance data will be generated by such. A CIR must be attached indicating the reason why a case is to be re-classified and closed as "Outside Mandate"</p>
5.59	Preliminary Investigation – refers to an enquiry of limited scope undertaken to verify whether or not an allegation merits full investigation. Where a full investigation is warranted, a preliminary report will not be required. This is only applicable to Section 28 (1)(c) cases reported;
5.60	Post-Decision Monitoring (PDM) – The continuous evaluation and monitoring of completed cases, but feedback and outcome is still outstanding which would allow closure of the case. Cases falling under this status should be reviewed every 60 days for feedback from the stakeholder;
5.61	Post-Decision Monitoring Brought Forward (PDM B/F) - means a date by which a docket must be submitted to the NPA as per their instruction to address outstanding investigations on the case for a decision to be made;
5.62	Provincial Head (PH) – means an IPID Official appointed to head a Provincial Office at the level of a Chief Director;
5.63	Provincial Management Group (PMG) – means the management of provinces responsible for the completion, closure and monitoring of PDM cases and is on a level of Director or higher;
5.64	Quality Investigation – refers to an investigation where all possible avenues relating to evidence and its collection has been exhausted and allows for an informed decision by IPID on how to dispose of the case, by either referring the case to the NPA for a decision, or make a recommendation to the SAPS/MPS, or make a Policy related recommendation or a General Recommendation.
5.65	Recommendation (Negative) – Recommendation is made that disciplinary action

	should be instituted and can only be made against suspects whose identity is known;
5.66	Recommendation (Positive) – Recommendation is made that no disciplinary action should be instituted including inquests and can only be made against suspects whose identity is known;
5.67	Recommendation (Policy Related) – All recommendations that are not of a disciplinary or criminal nature / are not made against individual members, but rather speak to policy and system changes;
5.68	Recommendation (General) – Whenever no recommendation can be made.
5.69	Referred – means a case that is referred to the most appropriate organisation or institution by the IPID;
5.70	Referral Authority – refers to the Minister, MEC, Executive Director, Secretariat for Police;
5.71	<p>Result of Case – means a case can be concluded in the following manners:</p> <p>A. Criminal Result:</p> <ul style="list-style-type: none"> i. Acquitted; ii. Convicted; iii. Declined to prosecute; iv. Formal Inquest held with person liable identified; v. Formal Inquest held with no person liable identified; vi. Informal Inquest held with person liable identified; vii. Informal Inquest held with no person liable identified; viii. Withdrawn; ix. Alternative Dispute Resolution (ADR); x. Diversion; <p>B. Departmental Result:</p> <ul style="list-style-type: none"> i. Acquitted; ii. Convicted; iii. Declined to discipline; iv. Withdrawn by victim; v. Corrective Counselling; <p>C. General Completion: (Where no recommendation can be made after investigation)</p> <ul style="list-style-type: none"> i. Undetected – Complainant uncooperative; ii. Undetected – Suspect cannot be identified;

	<p>iii. Undetected – Crime/Offence cannot be identified;</p> <p>iv. Closed as Referred;</p> <p>D. Policy Completion</p> <p>i. Policy Related;</p> <p>E. Duplicate;</p> <p>F. Outside mandate. (cases where the classification has been changed to “Outside Mandate” while case status is still active will be, upon approval of the CIR, be closed as “Outside Mandate”)</p>
5.72	SAPS – refers to the South African Police Service as contemplated in the South African Police Service Act 68 of 1995;
5.73	Service Delivery Complaint - refers to a complaint which alleges that a member of the SAPS or MPS failed to perform his/her duties or performed his or her duties in an improper manner and is not deemed to be outside the IPID's mandate as per the “ Outside Mandate ” definition as indicated above as per “IV” of the said definition;
5.74	SOP - means the Standard Operating Procedure;
5.75	SPP – Senior Public Prosecutor;
5.76	Standby Notification Reference Number – means a reference number issued immediately upon notification, by the Investigator on standby to SAPS/MPS member, consisting of the Provincial Office abbreviation, the number, which is a sequential series of numbers starting at 1 at the beginning of each month, the month, year and time (24 hour clock) of notification, e.g. NC001/03/20152250. The Investigator who gave the number must add their initials at the end of the given number;
5.77	Supervisor – means any person who supervises an Investigator (of any level);
5.78	Systemic Corruption - Systemic corruption is an institutionalised endemic manipulation of a system by individuals or networks or organisations, taking advantage of weakness in the process and systems for illicit gains, where there are leadership deficiencies, collusion and abuse of power;
5.79	Technical Reports – refers to reports of an evidential value that are generated by experts required to reach an investigative conclusion, including but not limited to, FSL reports (Forensic Science Laboratory) post mortem reports, LCRC reports, pathology reports, medical reports, reports in terms of Sections 212 and 215 of the CPA and a report in terms of Section 34(3) (a) of the Prevention and Combating of Corrupt

	Activities Act 12 of 2004;
5.80	Torture – means any act by which severe pain or suffering, whether physical or mental, is <u>intentionally</u> inflicted on a person for such purposes as obtaining from him or her or a third person <u>information or a confession</u> , punishing him or her for an act that he, she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, whether such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising from, inherent or incidental to lawful sanctions;
5.81	Undetected – a method of completing a case without making any recommendations or referral reports. Provincial Management can endorse case docket as Undetected;
5.82	Undetected (Complainant uncooperative) – Completing a case without any recommendation or referral reports can be made to the NPS, SAPS or MPS due to the complainant not cooperating in the investigation;
5.83	Undetected (Suspect cannot be identified) – Completing a case without any recommendations or referral reports due to the fact that after the investigation, no suspect could be positively identified. <u>Where no suspect can be identified the case must be closed as “undetected” (excluding inquests and rape cases where so requested by the NPA);</u>
5.84	Undetected (Crime/Offence cannot be established) – Completing a case without any recommendations or referral reports due to the fact that after the investigation, no crime or offence could be established;
5.85	Withdrawn by Victim – means the victim indicated that he or she is no longer interested in proceeding with the case; and
5.86	Withdrawn by Prosecutor – means the Prosecutor has decided not to continue with criminal proceedings.

6. APPLICATION

This SOP applies to all notifications and/or cases lodged with the IPID or initiated by the IPID against members of the SAPS/MPS by any person or organisation, alleging that a member committed an act or an omission which constitutes an offence and/or misconduct.

7. DUTIES AND RESPONSIBILITIES

The duties and responsibilities assigned to various officials and Committees:

7.1 The Executive Director (ED)

The Executive Director, in addition to the duties and responsibilities as contained in Section 7 of the IPID Act 1 of 2011 and such other duties as may be imposed in the Regulations promulgated under that Act, must:

7.1.1	Ensure that there are systems in place for the lodging, receiving, processing, recording and disposal of cases;
7.1.2	Provide for the development and enforcement of policies to enable an environment that is conducive to lodge a case and receive cases reported;
7.1.3	Evaluate all discretionary cases that could possibly be investigated in terms of Section 28 (1)(h) based on nature, public or media interest;
7.1.4	Ensure all systemic corruption case applications are evaluated and a decision is made.

7.2 National Head of Investigations (NHI)

The National Head of Investigations must, in addition to any duties imposed under Section 24 of the IPID Act and such other duties as may be imposed in the Regulations promulgated under that Act:

7.2.1	Maintain the SOP;
7.2.2	Determine investigation standards;
7.2.3	Identify priority areas to be attended during a financial year;
7.2.4	Monitor programme performance monthly, quarterly and annually;
7.2.5	Provide feedback on the programme performance;
7.2.6	Provide systems for the registration and processing of cases;
7.2.7	Ensure data integrity is maintained;
7.2.8	Ensure that the monthly reports and the database are quality assured;
7.2.9	Coordinate and supervise national task team investigations;
7.2.10	Evaluate, decide on investigations relating to systemic corruption;
7.2.11	Evaluate all cases relating to Section 28(1)(h) received from the provinces and make recommendations to the ED; and

7.2.12	Will be responsible for the procurement of equipment used during the investigative process.
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7.3 Provincial Management Group

7.3.1	Ensure all cases on the provincial workload is attended to and oversee the investigation and progress of all active cases;
7.3.2	Ensure data integrity, which is consistent with the CMS monthly, quarterly and annually;
7.3.3	Complete active cases on the CMS;
7.3.4	Review all investigation reports, assess its quality, raise queries, if any, endorse recommendations to SAPS/MPS and DPP referrals and sign off on them;
7.3.5	To verify, on a monthly basis, the content of all recommendation reports and referral reports and ensure quality control was done regarding the report and the recommendation(s) speak to the matter that was investigated;
7.3.6	Ensure that outstanding aspects on cases are attended to at PDM level;
7.3.7	Evaluate the decision related to IPID recommendations by the SAPS and decide on further action to be taken;
7.3.8	Approve/disapprove requests for closure of an investigation;
7.3.9	Whoever is acting as a part of the provincial management and who is not, permanently appointed as provincial management, must attach a copy of their acting letter when completing or closing an investigation except where the investigation was done by the person acting (Acting official cannot complete/close own cases);
7.3.10	Ensure PDM B/F dates are adhered to, directives are met and that the information is captured on the CMS;
7.3.11	Ensure proper investigation of service delivery complaints lodged against the IPID;
7.3.12	Ensure that the province conduct docket audits on a quarterly basis on all PDM cases;
7.3.13	Ensure relevant recommendation/ referral reports are sent to stakeholder within 30 days after it has been approved;
7.3.14	Ensure provincial investigative staff is trained in terms of the Legislation and relevant Regulations of Act 37 of 2013 and its Regulations;
7.3.15	Forward to ED for a decision, cases that could be investigated in terms of Section 28 (1)(h) in the prescribed format and ensure that the ED's is filed in the docket and unloaded onto the CMS;
7.3.16	Ensure community outreach programs for the Provincial Office are done and ensure

	the relevant reporting template is completed and the consolidated report is forwarded through the PH to National Office monthly;
7.3.17	Give guidance to the Investigators as to which referrals/reports/recommendation(s) should be generated on the CMS based on their case investigative report (CIR);
7.3.18	Ensure that all information, both criminal and departmental related is uploaded onto the CMS before the docket is returned and the case is closed on the CMS;
7.3.19	Endorsing the docket as Undetected where no recommendations/ referrals will be made;
7.3.20	Ensuring that at the conclusion of the investigation that the exhibits are disposed of as required;
7.3.21	Ensuring that every case that is sent for completion has a completed Investigation checklist attached and completed;
7.3.22	Ensure that the EH and Provincial Commissioner is informed of any arrest effected by an IPID member.
7.3.23	Submit annually in Q3 a report to the NHI, relating to progress made on finding of the previous AGSA report and half yearly statistical data of current financial year, corrective measures implemented as well as finding of own provincial inspection regarding SOP compliance and steps put in place to address shortcoming.

7.4 Provincial Head (PH)

The Provincial Head, in addition to the duties and responsibilities as contained in Section 21 of the IPID Act 1 of 2011 and such other duties as may be imposed in the Regulations promulgated under that Act, must:

7.4.1	Ensure that systems put in place by the ED for the lodging, receiving, processing, recording and disposal of cases against the members, are implemented on provincial level;
7.4.2	Ensure compliance with the provisions of this SOP, the IPID Firearm Control Standard Operating Procedure and the ED guidelines;
7.4.3	Ensure that the relevant province conduct an workload verification on a monthly basis and compile and submit a report;
7.4.4	Ensure provincial compliance in terms of effective use of the CMS;
7.4.5	Ensure all applications for cases to be registered as a systemic corruption case as well as Section 28(1)(h) matters are forwarded to the NHI and are filed in the dockets and uploaded on the CMS upon approval;

7.4.6	Ensure all identified high profile cases are investigated;
7.4.7	Ensure meetings with Provincial SAPS, MPS and Secretariat monthly to discuss progress on recommendations made to SAPS by IPID;

7.5 Deputy Provincial Head/Director Investigations (DI)

The Director Investigations must, in addition to any duties imposed under Section 24 of the IPID Act and such other duties as may be imposed in the Regulations promulgated under that Act, must:

7.5.1	Supervise an investigation conducted by the Deputy Director Investigations;
7.5.2	Ensure that the Case Intake Committee (CIC) meets daily to evaluate and allocate cases;
7.5.3	Ensure that cases are registered and updated on the CMS in terms of the strategic objectives;
7.5.4	Ensure data integrity, which is consistent with the CMS monthly, quarterly and annually;
7.5.5	Immediately upon being notified by the Investigator, notify the PH, the National Spokesperson, the PM and the ED in writing of a high profile case, conviction or arrest;
7.5.6	Ensure that the province conduct workload verification on a monthly basis;
7.5.7	Ensure compliance with the provisions of the IPID Firearm Control Standard Operating Procedure;
7.5.8	Ensure CMS is updated monthly and all relevant documents are uploaded on the system where after closure of case can be initiated;
7.5.9	Forward to ED for a decision, that could be investigated in terms of Section 28 (1)(h) in the supplied format;
7.5.10	Ensure all identified high profile cases are investigated;
7.5.11	Ensure meetings with Provincial SAPS, MPS and Civilian Secretariat monthly to discuss progress on recommendations made to SAPS by IPID;
7.5.12	Ensure compliance with the Criminal Law (Forensic Procedures) Amendment Act 37 of 2013 and its Regulations;
7.5.13	Lead and/or undertake investigations on high profile cases as directed by the NHI and/or ED.

7.6 Deputy Director Investigations (DDI)

The Deputy Director Investigations must, in addition to any duties imposed under Section 24 of the IPID Act and such other duties as may be imposed in the Regulations promulgated under that Act, must):

7.6.1	Ensure that cases are captured and allocated in line with the strategic objectives;
7.6.2	Ensure all active B/F dates are adhered to, determine and record active B/F dates, directives and investigative targets and ensure that the information is captured on the CMS;
7.6.3	Ensure that prescribed registers are in place and kept up to date;
7.6.4	Lead and/or undertake investigations on high profile cases when such cases are assigned to him/her as the Investigator;
7.6.5	Review case reports pertaining to investigations where Investigator providing such report is directly reporting to DDI;
7.6.6	Ensure proper investigation of service delivery complaints lodged against the IPID;
7.6.7	Ensure, before the Provincial Management can close the case that the Investigator has complied with all the administrative requirements and updated the CMS;
7.6.8	Ensure that every activity undertaken by the Supervisor and Investigator in the IPID docket is entered in the Case Investigative Journal (CIJ);
7.6.9	Conduct workload verification on a monthly basis;
7.6.10	Complete/ Close cases while acting as Provincial Management, in the absence of the Provincial Management, notwithstanding the fact that a person might be closing/ completing a case that he/she supervised and ensure that the acting letter is attached;
7.6.11	Ensure that a case that was investigated by the person's Supervisor, while he/she is acting as Provincial Management, is not completed/closed;
7.6.12	Whoever is acting as the DDI must ensure that an acting letter is attached in the docket that was attended to by the acting DDI;
7.6.13	Ensure that a Recommendation Register , subject to the approval of the PH, containing all cases referred to and acknowledged by SAPS or the Provincial Commissioner's office is sent to IPID National Office weekly. Scanned copies of these original recommendations must be scanned at a minimum of at least 200dpi.
7.6.14	Ensure that a Referral Register , subject to the approval of the PH, containing all cases referred to and acknowledged by the NPA is sent to IPID National Office weekly. Scanned copies of these referrals are sent to IPID National Office weekly.

	Scanned copies of these original referrals must be scanned at a minimum of at least 200dpi.
7.6.15	Meet with Provincial SAPS, MPS and Secretariat monthly to verify recommendations made to SAPS by IPID;
7.6.16	Ensure CMS is updated monthly and all relevant documents are uploaded on the system where after closure of a case can be initiated;
7.6.17	Conduct quality control before the case is closed;
7.6.18	Ensure that all Section 205 requests are submitted to the relevant service provider and where applicable be registered on the service providers system to submit on behalf of province.
7.6.19	Ensure the referrals / recommendation forwarded to the DPP/SAPS/MPS are followed up on, on a monthly basis, and proof of correspondence is attached on the CMS;

7.7 Investigators

The Investigator must, in addition to any duties imposed under Section 24 of the IPID Act and such other duties as may be imposed in the Regulations promulgated under that Act:

7.7.1	Receive and screen a case/complaint;
7.7.2	Consult with the complainant/victim/referral authority (only walk-in, written, emailed or faxed cases will be registered). Telephonically reported cases will only be registered if followed in writing;
7.7.3	Complete an IPID registration form, and ensure that the complainant/victim confirms the correctness of the information and appends his/her signature/mark or thumb print;
7.7.4	Register the case on the CMS and upload the notification received from SAPS/MPS or a signed IPID registration form, fax or email and ensure that the case has not been recorded/registered on CMS previously;
7.7.5	Acknowledge receipt of a case and issue an acknowledgement letter/SMS/e-mail to complainant/victim/referral authority within 7 days of registration of the case;
7.7.6	Acknowledge receipt of a case and issue an acknowledgement letter/SMS/e-mail to next of kin (if information available);
7.7.7	Receive a docket allocated for further investigations from the Supervisor or CIC;
7.7.8	Update the CMS, generate letters/SMS's/emails to the complainant/victim/next of kin/referral authority and relevant stakeholders, indicating that he/she had been assigned to investigate the case;

7.7.9	Conduct investigations and submit docket for inspection as directed in writing in the CIJ;
7.7.10	Comply with brought forward dates as determined by the Supervisor/CIC;
7.7.11	Ensure CMS is updated monthly and all evidential documents in the docket are uploaded at the Capture Incident Information (CII) stage, and submit the docket with Recommendations/Referral Report to the Supervisor for a recommendation/review;
7.7.12	Send the Recommendations/Referral Report to SAPS/MPS/DPP for a decision on disciplinary steps/possible prosecution of a member;
7.7.13	Follow-up on the recommendation/referral forwarded to the DPP/MPS/SAPS, on a monthly basis, and attach proof of correspondence on the CMS;
7.7.14	Update CMS and generate progress letters/SMS's/e-mails to the complainant/victim/referral authority and relevant stakeholders; such progress should be limited to the status of the investigation (investigation is pending/completed and recommendations have been forwarded to the DPP/SAPS/MPS, the case is pending in court and report on the court dates), the report should <u>never</u> contain the merits or demerits of the case;
7.7.15	Feedback on active cases should be done at least every 90 days and feedback on completed cases should be done at least every 90 days or when the status of the case change, including but not limited to, when feedback is received pertaining to the criminal case or disciplinary process;
7.7.16	Enter every activity undertaken in the case docket in the CIJ (manual entry in docket and updates on CMS);
7.7.17	Updated CMS monthly and upload all relevant documents on the system where after closure of case can be initiated;
7.7.18	Before closure of the case a final correspondence must be sent to the complainant/ victim/ next of kin/ referral authority/ National Office and/or relevant stakeholders detailing the outcome of the case within 10 days of outcome received and must be recorded in the CIJ and CMS;
7.7.19	Immediately report to the Provincial Management any high profile case;
7.7.20	Keep prescribed Standby Notification Reference Number register up to date;
7.7.21	Reporting any intention to arrest to the Provincial Management before effecting the arrest;
7.7.22	Comply with the requirements and duties of the Criminal Law (Forensic Procedures) Amendment Act, Act 37 of 2013 and its Regulations; and
7.7.23	In case of the possibility of arrest an Investigator should preferably obtain a warrant of

	arrest, in the event of an arrest without a warrant, the Investigator should consult with the Provincial Management as well as Legal Services before effecting the arrest. In high profile cases the ED and/or NHI should always be consulted prior to the arrest.
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7.8 Supervisor

The Supervisor must, in addition to any duties imposed under Section 24 of the IPID Act and such other duties as may be imposed in the Regulations promulgated under that Act:

7.8.1	Have the supervisory role over all responsibilities as outlined in the Investigator section above;
7.8.2	Allocate dockets and give directives to the Investigator;
7.8.3	Determine and record B/F dates and ensure that B/F is adhered to in terms of both active and PDM dockets;
7.8.4	Ensure that all investigation cases are inspected at least every 60 days;
7.8.5	Ensure that every activity undertaken by the Investigator in the IPID docket is entered in the CIJ (manual entry in docket and updates on CMS);
7.8.6	Immediately report to the Provincial Management any high profile case, conviction and arrest as well as any death of a suspect of a high profile case;
7.8.7	Check the reports and recommendations by the Investigator before submitting to the Provincial Management through the CIC activity;
7.8.8	Conduct workload verification on a monthly basis and compile a report;
7.8.9	Complete/Close cases while acting as Provincial Management notwithstanding the fact that a person might be closing/completing a case that he/she supervised;
7.8.10	Ensure that a case that was investigated by the person's Supervisor, while he/she is acting as Provincial Management, is not completed/closed;
7.8.11	Ensure that prescribed registers are in place and kept up to date;
7.8.12	Ensure CMS is updated monthly and all relevant documents are uploaded on the system where after closure of case docket can be initiated;
7.8.13	Ensure provincial investigative staff is trained in terms of the legislation and relevant Regulations of Act 37 of 2013;
7.8.14	Ensure the referrals/ recommendation forwarded to the DPP/SAPS/MPS by subordinate are followed up on, on a monthly basis, and proof of correspondence is attached on the CMS; and
7.8.15	Ensure that all approved systemic corruption and Section 28(1)(h) cases are filed in

	the docket and uploaded on the CMS.
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7.9 Case Intake Committee (CIC)

The Case Intake Committee must, in addition to any duties imposed under Section 24 of the IPID Act, and such other duties as may be imposed in the Regulations promulgated under that Act:

7.9.1	Receive new cases from Investigators/ Investigative support;
7.9.2	Ensure case is not a duplicate case;
7.9.3	Ensure that time and date received as per the stamp on the notification corresponds with the data as captured on the CMS;
7.9.4	Discuss new cases to ensure that they are properly classified;
7.9.5	Give directives on what investigation must be conducted in terms of all Section 28(1) cases;
7.9.6	The chairperson must ensure the directives are recorded in the CIJ and the CMS;
7.9.7	Allocate the docket to an Investigator;
7.9.8	Identify person who will supervise the Investigator for specific case and who will review Reports (Recommendation Reports and Referral Reports);
7.9.9	Should ensure that the docket is allocated within the time specified and if not a reason must be recorded in both the CIJ of the docket as well as on the CMS;
7.9.10	Be constituted by no less than three persons, (DDI, ASDI, PI and any available Investigator). In case of unavailability of personnel, the sitting by the PH or DI or DDI or ASDI or PI will constitute a valid sitting;
7.9.11	In the event a sitting constituted out of one person, that person cannot assign the dockets to themselves;
7.9.12	Ensure that the written complaint and crime scene form (where applicable) is uploaded;
7.9.13	Review all reports submitted by Investigator (by supervisor of said Investigator);
7.9.14	No minutes will be kept of the sitting.

8. GENERAL GUIDELINES AND PROCEDURES

8.1 General Guidelines for Filing Documents in a Case Docket

NO	GENERAL GUIDELINES
8.1.1	All evidential documents e.g. statements, technical reports etc. must be filed in the "A" clip of the docket with the A1 statement being at the bottom and all subsequent additions being added on top;
8.1.2	All correspondence (internal and external) e.g. Progress Reports, Referral Memorandum to DPP and Acting letters, must be filed in the "B" clip of the docket; All non-criminal investigative related documentation such as the complaints form, relevant recommendation(s), feedback and outcome must be filed in the "B" clip of the docket. Copies of counter claim dockets (against victim) to be filed under "A" clip where used for evidentiary purposes of IPID investigation and under the "B" clip where just used for reference purposes;
8.1.3	Investigative journals must be filed in the "C" clip of the docket;
8.1.4	All documents must be numbered and filed in numerical order and recorded on the CIJ;
8.1.5	All documents must be uploaded on the CMS and the CMS must be updated monthly in terms of uploads. For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi.

8.2 General Guidelines Relating to IPID Communication

NO	GENERAL GUIDELINES
8.2.1	All communications must be generated outside the CMS as per the IPID Communication Template and uploaded onto the CMS via the relevant activity. For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi;
8.2.2	Registration: An Acknowledgement/ Referral letter must be generated and handed/ send it to the complainant/ victim/ referral authority via the requested method, e.g. SMS/ e-mail/fax/telephone facilities within 7 days after registration; (As per Regulation 3) SAPS/MPS communication at this stage (i.e. who sent the complaint) will be limited to

	<p>acknowledgment of the complaint only and is not mandatory.</p> <p>Acknowledgement/ Referral letter must also be generated to the complainant (non-SAPS/MPS complainant), victim or next of kin informing them about the complaint forwarded by SAPS/MPS and that IPID will be investigating and providing feedback on the complaint received;</p>
8.2.3	<p>Whilst the Case is Under Active Investigation:</p> <p>Progress notification must be sent to the complainant/ victim/ next of kin/ referral authority and relevant stakeholders;</p> <p>Progress notification should be forwarded regularly on the status of the case but should not exceed 90 days; such progress should be limited to the status of the investigation (investigation is pending/completed and the case has been referred/recommendations have been forwarded to the DPP/SAPS, the case is pending in court and report on the court dates), the report should <u>never</u> contain the merits or demerits of the case;</p> <p>Progress notifications for National Investigations and high profile investigations should be forwarded monthly to National Office: attention NHI, on the status of the case until the case is completed; such progress should be limited to the progress of the investigation;</p> <p>In the event that the case was referred by the Minister, Member of Parliament or the Presidency it should be regarded as a priority and should be dealt with by senior members and progress should be provided within 2 weeks of registration to the reporting member where after the normal reporting periods as per active and completed investigations will be applicable;</p>
8.2.4	<p>Whenever the Case Has Been Completed:</p> <p>Progress notification to complainant/ victim/ next of kin/ referral authority/ National Office and relevant stakeholders should be forwarded quarterly (90 days) or when there is a change in the progress of the case;</p>
8.2.5	<p>Whenever the Case is Prepared/Ready for Closure:</p> <p>Progress notification should be forwarded to complainant/ victim/ next of kin/ referral authority/ National Office and relevant stakeholders indicating that the case is to be closed and also indicate the outcome of the investigation/ court process/ disciplinary process;</p>

8.2.6	Communication Received: Communication that has a bearing in the investigation must be scanned and uploaded onto the CMS and the original filed in the "B" clip of the docket;
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8.3 General Guidelines Relating to Case Investigative Reports (CIR) and Resulting Recommendations and/or Referrals Leading to Completion as well as Closure Reports

NO	GENERAL GUIDELINES
8.3.1	<p>All registered cases can only be completed if an Case Investigative Report (CIR) (or a preliminary report for Section 28(1)(c) matters – if applicable) and referrals/ reports/ recommendation(s) has been generated indicating what investigative activities have been done in order to reach the completion stage;</p> <p><u>Note that no recommendation or referral (excluding inquests and rape matters) can be made when the suspects are unknown. Where suspects are unknown after a thorough investigation the case should be closed as "Undetected (Suspect cannot be identified)"</u></p> <p>All referrals/ recommendations must be sent to the relevant stakeholder;</p>
8.3.2	<p>All CIR(s) and referrals/ reports/ recommendation(s) will be generated outside the CMS and signed copies will be uploaded onto the system at the appropriate activity;</p> <p>Only the final investigative referral/ report/ recommendation needs to be uploaded unto the system as statistical proof of <u>completion</u> and needs to be uploaded within 7 days after the physical document has been signed by Provincial Management. The date on which it was signed will be captured when the case is uploaded and the signature date will be the statistical completion date;</p> <p>The date that should be attached on the report when signed by respective IPID officials designated on the referrals/reports/recommendation(s) is the date on which the CIR/referral/report/recommendation was manually reviewed and this date should reflect on the CMS;</p>

8.3.3	<p>All CIR's are internal reports;</p> <p>The CIR needs only to be signed by the Investigator and Provincial Management as an indication of the investigative activities undertaken and the result of his/her investigation.</p> <p>Based on the CIR, the Investigator will request their Provincial Management Group to approve/disapprove the referrals/ reports/ recommendation(s) which can be made or should be generated;</p>
8.3.4	<p>All referrals/ reports/ recommendation(s) emanating from the CIR are external reports and are to be sent to stakeholders if applicable.</p> <p>The referrals/ reports/ recommendation(s)) needs to be signed by the Investigator, and Provincial Management in the case of a Provincial Investigation and by the Investigator and the NHI and/or ED in the case of a National Investigation;</p>
8.3.5	<p>Closure reports are a culmination of the entire investigation process and needs to be completed whenever the investigation has a outcome.</p> <p>This report is brief summary of the case and includes all outcomes and needs to be completed before the case can be closed;</p>

8.4 Procedure for the Registration of Cases

NO	PROCEDURE
8.4.1	<p>An Investigator or Investigative Support must immediately upon receipt of a case in writing, screen the case to determine whether or not it falls within the mandate of the IPID [Reg 3(1)];</p> <p>A "case in writing" includes any formal communication from SAPS/MPS and includes a "shooting report" as well as a signed "crime scene report".</p> <p>All written complaints must be stamped with a receipt date and time. In the event that the written complaint is received outside normal working hours, the first available working days' date will be regarded as the date of receipt and the case will be registered and allocated as per normal registration procedures (case registered and allocated within timeframes);</p>

	<p>Where a case was received and could not be registered on the CMS due to technical challenges, a Manual Registration Number should be generated and the case continues with the confirmation and allocation process. CIJ entries should record all activities undertaken and instructions issued. Once the CMS is available, the case should be registered and the original date of receipt as per the physical document used as well as the manual CIC confirmation and allocation process should be captured.</p> <p>The CMS must record the manual dates on which the activities were undertaken in order to confirm the compliance with periods for registration and allocation.</p> <p>A written complaint must be uploaded onto the CMS as well as the crime scene form (where applicable/available). For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi;</p> <p>This should be uploaded on the electronic case activity which is an exact electronic version of the docket;</p>
8.4.2	If the case falls within the mandate of the IPID, the Investigator/ Investigative Support must record the case on the CMS;
8.4.3	<p>If a case falls outside the mandate of the IPID, the Investigator/ Investigative support must record it in the CMS as an Outside Mandate case and refer it to the CIC for confirmation;</p> <p>In the event that the CIC confirms it as an Outside Mandate matter, a referral letter must be drafted to the sender of the complaint and a copy uploaded unto the CMS;</p> <p>* Refer to definition of cases deemed to be Outside mandate.</p>
8.4.4	<p>The classification is provisionally confirmed by the CIC; the CIC and must also update the allocation details on the CMS by identifying who the Investigator responsible will be as well as the relevant Supervisor;</p> <p>The CIC must also give provisional directives to the investigating officer and also indicate the next date the docket must be submitted for inspection to the Supervisor (Brought Forward);</p> <p>The CIC must ensure that the written complaint as well as the crime scene form</p>

	<p>(where applicable) is uploaded onto the CMS and filed in the docket.</p> <p>The CIC must also confirm that the complaint details including date and time received was captured correctly on the CMS.</p>
8.4.5	<p>The identified Investigator to whom the case is allocated must generate and print the acknowledgement letter and send it to the complainant/victim/referral authority via the requested method, e.g. SMS/email/ fax facilities or telephonically and thereafter record it on the CIJ;</p>
8.4.6	<p><u>Deviation to the Abovementioned Process:</u></p> <p><u>Section 28(1)(g) Matters:</u></p> <p>Where a complaint is made but no docket has been opened, IPID should conduct an investigation based on the written complaint received and registered in the CMS.</p> <p>Upon obtaining sufficient information, IPID should engage the NPA for a decision as to open a criminal case or not as well as possible criminal prosecution.</p> <p>If the complainant is not interested in opening a criminal case after engagements the case should be closed as "<u>Undetected/Complainant Uncooperative</u>".</p> <p><u>Section 28(1)(h) Matters:</u></p> <p>Upon receiving a case that could possibly be registered and investigated in terms of Section 28(1)(h), written approval from the ED must be obtained for permission to register such a case.</p> <p>Where a case is received relating to a possible "death as a result of police action" and there is uncertainty whether a member was on duty or not, the province should evaluate the merits of the case and where in doubt whether it conforms with the definition as stated in 5.23 above, refer a request with motivation on whether the case should be registered and/or investigated as a Section 28(1)(b) or (h) matter.</p> <p>This is done by means of a memorandum and completed template drafted to the ED via the office of the NHI with a brief discussion of the merits to the request as well as all supporting documentation;</p>

Upon receipt of such a request, the NHI will review the request and forward to the ED for a decision to grant/ decline the request;

In the event that the request is approved, the said case can be registered as a Section 28(1)(h) matter with the approval letter granting the registration is to be uploaded as the "complaint" on the CMS. The date the provincial office receives this approval form the office of the ED will be regarded as the date of receipt of the complaint. For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi;

In the event approval is not granted, the case may not be registered as a Section 28(1)(h) matter and must be dealt with as per the instruction of the ED. The date the feedback is received from the ED should be regarded by the province as the "date received";

Section 28(2) Matters:

Upon identification of a case of possible systemic corruption, where the case has not been registered on the CMS, obtain written approval from the NHI for permission to register such a case;

This is done by means of a memorandum drafted to the NHI with a brief discussion of the merits leading to the request, supporting documentation and estimated timelines relating to the investigation;

Upon receipt of such a request, the NHI will grant/ decline the request;

In the event that the request is approved, the said case can be registered as a Section 28(2) matter with the approval letter granting the registration is to be uploaded as the "complaint" on the CMS. For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi;

In the event approval is not granted, the case may not be registered as a Section 28(2) matter and must be dealt with as per the instruction of the NHI. The date the feedback is received from the NHI should be regarded by the province as the "date received";

8.5. Procedure for the Investigation of a Case

Note that the following generic principles will be applicable to all cases investigated as indicated in the IPID Regulations:

Regulation	Deals With:	Focuses On:
3	Receiving, registering, referral and disposal of complaints	Communication after registration – Acknowledgement and referral must be done within 7 days
4	Deaths in custody or as a result of SAPS/MPS action	Reg. 4(3) – Investigation at scene Reg. 4(4) – Possible arrest of member at scene Reg. 4(6) – Complete investigation within 90 days or give reasons Reg. 4(8) & (9)– Late notifications by SAPS/MPS in terms of death related cases
5	Investigation of criminal matters	Reg. 5(2)(a & b) read with 5(3)(e) – Duties in terms of rape related cases Reg. 5(2)(d) read with 5(3)(f) – Duties in terms of corruption cases Reg. 5(2)(c) read with 5(3)(g) – Duties in terms of torture related cases
6	Investigation of discharge of official firearms	Reg. 6(3) – Must conduct preliminary investigation, not exceeding 30 days, to establish if full investigation is warranted Reg. 6(4) - Duties in terms of discharge complaint investigation Reg. 6(5) - Complete investigation within 90 days or give reasons
7	Investigation of referred matters	Reg. 7(3)(c) – Matters not dealt with in terms of Reg. 4 or 5 – Executive Director or Provincial Head can give directions as to investigations.

8.6 Notifications to IPID

NO	PROCEDURE
8.6.1	<p>An Investigator on standby/ call (being automatically authorised to attend crime scenes) must immediately upon receiving a telephonic notification of a death or any relevant crime scene, notify the Provincial Management and attend the crime scene as soon as it is practicably possible to do so;</p> <p>The said member must record the Standby Notification Reference Number given to the reporting member;</p> <p>In the event that a crime scene cannot be attended, permission for the non-attendance of the crime scene must be obtained from the Provincial Management and reasons must be noted in the CIJ as well as the on CMS;</p>
8.6.2	Obtain and record all relevant information regarding the location of the crime scene, the time that the notification was made, the SAPS/MPS member reporting the incident on applicable IPID crime scene form;

8.7 Arrival at the Crime Scene and Cooperation with SAPS/MPS Member in Charge of Crime Scene Read with Regulation 8

NO	PROCEDURE
8.7.1	In the event that the crime scene will be attended, advise the SAPS/ MPS member in charge, to preserve the crime scene and to keep it intact until the IPID Investigator on standby/ call, arrives at the crime scene;
8.7.2	Introduce himself/herself by production of a valid IPID appointment certificate to the SAPS/ MPS member in charge of the crime scene and take over the scene;
8.7.3	Receive a briefing on what transpired at the crime scene from SAPS/ MPS;
8.7.4	Record observations made at the scene;
8.7.5	Record the particulars of victim(s);
8.7.6	Ensure that all vital clues and forensic evidence have been marked and photographed in their original position by the Local Criminal Record Centre (LCRC);
8.7.7	Collect or ensure the collection of exhibits from the crime scene for processing by the Forensic Science Laboratory (FSL); ensure that the evidence is placed in and sealed

	in a designated evidence bag and that the serial number is recorded in full in the IPID form; ensure that the exhibits are booked in with the SAP 13 at the Police Station within that jurisdiction;
8.7.8	The Investigator must submit a detailed statement mentioning that the exhibits were handed to the FSL or LCRC member intact in a sealed bag. The statement must be attached in "A" clip of the docket. During Investigations the Investigator must obtain a detailed statement of the FSL or LCRC member to whom the evidence was handed. (for the purpose of chain statement);
8.7.9	Identify all witnesses to the crime and obtain their particulars for interview as soon as it is practically possible;
8.7.10	Obtain particulars of the members involved for future interviews;
8.7.11	Complete the applicable sections on the IPID crime scene form, with all the required crime scene information (This includes obtaining the signature of the SAPS member in charge at the scene);

8.8 Post-Scene Investigation

NO	PROCEDURE
8.8.1	Ensure that the exhibits (obtained by IPID Investigator) are booked in the SAP 13 and booked out before it is sent to the Forensic Science Laboratory (FSL) for processing within 72 hours;
8.8.2	Where IPID is investigating any firearm-related offence (Deaths or Complaints of Discharges), obtain the relevant permit allowing the SAPS/ MPS member(s) involved to handle and use the firearm in question as well as a report relating to when last the said member was practically trained and evaluated/ tested for the handle and use of the said firearm;
8.8.3	Upon receiving exhibits back from the FSL, the exhibits need to be returned to the Police Station for it to be booked back into the SAP 13;
8.8.4	Visit all the identified witnesses to conduct interviews and obtain statements;
8.8.5	Establish the identity of the person who allegedly committed the offence and obtain a warning statement;
8.8.6	In case of a death-related scene, visit the next of kin (where possible) to notify them of the incident and your role as an IPID Investigator; and interview them to obtain any

	information that may assist in the investigation;
8.8.7	<p>Once case has been registered on the CMS, confirmed and allocated, the member who attended the scene (and completed the IPID form) must scan and upload the crime scene form at the Electronic case activity on the CMS (if it has not been uploaded during registration). For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi.</p> <p>In the event that the document still has outstanding information that needs to be captured, it should be completed during the investigation and a completed document must be scanned and uploaded;</p>
8.8.8	Where a crime scene needs to be reconstructed, permission should be obtained from Provincial Management in writing so as to justify the costs.

8.9 Post Mortem

NO	PROCEDURE
8.9.1	Attend Post Mortem on the date, time and place identified for purposes of observing the conducting of the post mortem; in the event the Post Mortem cannot be attended an entry must be made on the CIJ and the CMS as to why the Post Mortem could not be attended and the Provincial Management must be informed;
8.9.2	Advise the pathologist of any investigations you would like to concentrate on;
8.9.3	Ensure the LCRC is present at the Post Mortem and that photos of the Post Mortem is taken (if required);
8.9.4	Ensure that all vital clues and forensic evidence have been marked and photographed in their original position by the LCRC;
8.9.5	Inform the pathologist of observations made at the crime scene and in the event of any inconsistencies with their (pathologists) findings or, where there is disagreement with the Pathologist report, this should be brought under the attention of the Investigators' Supervisor;
8.9.6	The IPID members' attendance of the Post Mortem must be verified by any person at the venue where the Post Mortem took place by means of such person's name and signature on the relevant form.

8.10 Further Investigation: Active Investigations

NO	PROCEDURE
8.10.1	<p>Upon receipt of the docket, assess evidence contained in the docket, conduct outstanding investigations as per directive(s);</p> <p>Where, upon obtaining the docket, statements and investigations were done by the SAPS, the accuracy and correctness of these statements taken by SAPS needs to be confirmed by the IPID investigator by interviewing and obtaining statements from the person(s) identified. An investigators statement needs to be attached in the docket where the witness does not want to depose a further statement;</p>
8.10.2	<p>Where resources are utilised from multiple offices, such as in a National Level Investigation, the jurisdiction will remain within the province where the matter arose, but custodianship and supervision will reside with the NHI who will establish Task Teams and Terms of Reference as well as reporting structure if required;</p>
8.10.3	<p>All dockets should be inspected as per the B/F indicated by the Supervisor. Upon inspection of the docket, the inspecting official must evaluate the compliance with the instruction issued and give guidance to the Investigator as to outstanding aspects.</p> <p>Generic instructions such as:</p> <ol style="list-style-type: none"> "Docket perused" "Docket seen" "Continue with investigation" "Obtain outstanding statements" <p>should not be used;</p>
8.10.4	<p>Update the CMS and share drive and upload all evidence collected in the docket on the Electronic case activity. All evidence that is to be uploaded onto the CMS must also be stored on an investigative share drive as an electronic backup in the event of a CMS failure. All scanned documents must be scanned and saved as a comprehensive electronic file and made up of the docket cover, "A", "B" and "C" clips. For the purposes of uploading scanned documents, all scanned documents must be scanned at least 200dpi;</p> <p>Confirmation as to the completeness of information on system and share drive</p>

	must be verified with every B/F inspection by the supervisor;
8.10.5	<p>Compile a case investigative report indicating what has been done relating to the investigation;</p> <p>Forward the report to Provincial Management and suggest what method of completion would be recommended relating to methods mentioned below. In the event that the Provincial Management does not agree with the proposed method of completion, the case must route back to the investigator to attend to the queries raised by the Provincial Management.</p> <p>Provincial Management will make a determination on the CMS as to which reports should be generated based on the case investigative report submitted.</p> <ol style="list-style-type: none"> 1. Decision-Ready Investigation (Criminal Referral) 2. Decision-Ready Investigation (Departmental Recommendation) 3. Decision-Ready Investigation (Policy Recommendation) 4. Decision-Ready Investigation (General Recommendation) 5. Duplicate (no statistical performance data generated) 6. Outside mandate (no statistical performance data generated) <p>The Investigator who dealt with the investigation may also indicate if the case needs to be reclassified or if the original classification is still applicable;</p> <p>All cases may be reclassified by means of the relevant reclassification activity on the CMS. Reclassification may on be approved by Provincial Management but can be initiated by any official. Reclassification to Outside Mandate is not allowed once the case has reached the status of "Decision Ready" and no statistical performance data will be generated on the case.</p> <p>If the classification is to be changed – a short reason should indicate the reason for the change;</p> <p>Only one request to make a change of classification will be allowed;</p> <p>There will be a hierarchy in terms of which cases will be deemed "decision ready" and will be:</p> <ol style="list-style-type: none"> 1. Decision-Ready Investigation (Criminal Referral)

2. **Decision-Ready Investigation (Departmental Recommendation)**
3. **Decision-Ready Investigation (Policy Recommendation)**
4. **Decision-Ready Investigation (General Recommendation)**
5. **Duplicate (no statistical performance data generated)**
6. **Outside mandate (no statistical performance data generated)**

These types of reports should be seen in a hierarchical form meaning that the highest form of report will be the report that changes the case status.

A Criminal Referral report that is approved will change the case status from "Active" to "Decision-Ready";

A Departmental Recommendation report that is approved and referred will not change the case status from "Active" to "Decision-Ready". The status will remain "Active" until such time a Criminal Referral is approved (if able to generate such a report based on recommendation as to completion method given to Provincial Management and approved by Provincial Management);

A Policy Recommendation report that is approved and referred will not change the case status from "Active" to "Decision-Ready". The status will remain "Active" until such time a determination is made that a Criminal Referral or Departmental Recommendation is approved (if able to generate such a report based on recommendation as to completion method given to Provincial Management and approved by Provincial Management);

A General Recommendation report that is approved will change the case status from "Active" to "Decision-Ready" and there will be no need to indicate that no Criminal Referral can be made;

If after requesting a particular completion method and it is established that the requested/approved method is incorrect the I/O may request that the completion method be changed. This change should be reviewed and approved by the relevant Provincial Management. This change request is only allowed while the case status is still "active";

Note:

	<p>Any unnatural death must still be referred to the DPP for a decision unless it was found that there was no SAPS/ MPS involvement in which case the case can be completed with the above-mentioned process and the case be referred back to SAPS for further investigation;</p> <p>Where a rape in police custody is being investigated [Section 28(1)(e)], and it is found that the suspect is not a SAPS/ MPS member, the Investigator should still ascertain the reason(s) that could have contributed to the rape in custody and make the appropriate recommendation by making copies of the SAPS docket and continuing with their investigation focussing on the departmental aspects;</p>
8.10.6	<p>The Referral/ Recommendation report is sent to a Supervisor for review and electronic approval of report. The supervisor completes the "Quality Control Form/Docket Checklist" and verifies that the investigation is a quality investigation;</p> <p>The Supervisor must action the activity within 5 working days after being sent to them. In the event that the activity is not actioned within 5 days the system will inform the Provincial Management that the activity has not been actioned within the allocated time during which the activity may be routed to an available supervisor for actioning.</p> <p>If an actioned activity is not completed/ submitted within 10 working days, the matter will be escalated to the Provincial Management for their intervention;</p>
8.10.7	<p>Refer to the Provincial Management to approve investigation and as well as the final post investigation classification. The Provincial Management verifies the "Quality Control Form/Docket Checklist" and confirms that the investigation complies with a quality investigation;</p> <p>The Provincial Management must action the activity within 5 working days after being sent to them. In the event that the activity is not actioned within 5 days the system will inform the other members of the Provincial Management group that the activity has not been actioned within the allocated time during which the activity may be routed to an available manager for actioning.</p> <p>If an actioned activity is not completed/ submitted within 10 working days, the matter will be escalated to National Office for their record;</p>
8.10.8	<p>Upon manual approval of relevant report by the Provincial Management:</p>

The Provincial Management must on the "Approve activity" indicate the date on which the report was manually approved and upload the signed copy of the report at the relevant activity.

The period between the manual completion and submitting the activity may not exceed 10 working days.

The Investigator must forward and obtain acknowledgement of receipt of the referral/ recommendation to the relevant stakeholder within 30 days which includes weekends and public holidays. This includes cases that are completed based on policy and general completion.

The referral/ recommendation as well as the acknowledgement must be scanned and forwarded to relevant section monitoring compliance on a weekly basis with a last date of stakeholder acknowledgement being the 25th of each month. Between the 25th and the 1st working day of the next month, the province must consolidate, verify and confirm the number and classification of the recommendations/ referrals forwarded to the stakeholders with the stakeholder. This also includes all feedback and outcomes received from the stakeholder.

All referrals/ recommendations that has been sent and acknowledged (and confirmed on a provincial level with all stakeholders) must be received by the monitoring section by the 1st working day of the month.

Thus everything sent to the Compliance Monitoring section by the 1st working day of the month will be acknowledged by the stakeholder within the same month of reporting forwarded it to National Office.

This includes the relevant register indicating that what has been submitted. The scanned recommendations and register must correlate in terms of documents submitted and acknowledged.

These electronic scans to National Office must be of an acceptable quality as to be able to verify details required such as date stamp details, signatures, dates on reports and should be at minimum scan quality of 200dpi;

	Where a case was completed and no feedback/outcome is expected (no recommendation nor criminal referral was made), the case must be prepared for closure after submitting the report to the stakeholder and obtaining proof of submission;
8.10.9	<p>In the event that the SAPS/ MPS member is arrested at the scene and the member(s) appears before court, it will be recorded as such on the CMS during <u>registration</u> and when confirmed by the CIC and the case will be deemed Decision Ready Investigation (Criminal Referral);</p> <p>All instructions and court dates will be recorded and the PDM process discussed below will be applicable;</p> <p>When a suspect is arrested at any stage after the case has been registered and no CIR or referral has been generated, the relevant activity must be actioned to indicate such and after approval the case will be "decision ready". Proof of the arrest (warrant that was executed) needs to be uploaded;</p>
8.10.10	<p><u>Deviation to the Abovementioned Process:</u></p> <p><u>Section 28(1)(c) Matters:</u></p> <p>All Section 28(1)(c) matters must have a preliminary investigation, which may not exceed 30 days, in order to establish if the matter warrants a full investigation as per Regulation 6(3);</p> <p>The preliminary investigation template and report should be used to complete the case if the case is to be completed under General Completion (where a full investigation is not warranted) but if the matter is to be completed by means of a full investigation, the preliminary report would not be required (preliminary report will be replaced with a comprehensive CIR);</p> <p><u>National Level Investigations:</u></p> <p>When cases are investigated at a National Level, the following shall apply:</p> <p>The task team leader (person to whom the docket/ case is allocated) needs to ensure that the information gathered during the investigation scanned, stored on the share</p>

	<p>drive and is uploaded onto the CMS;</p> <p>Where the investigation is of a National Level, the reporting route in order to obtain completion will be:</p> <ul style="list-style-type: none"> • Investigator • Identified supervisor as per instruction (Supervisor review approve) • NHI (Management review approve) • ED (Management review approve)
8.10.11	Where a suspect received a criminal conviction that will lead to their dismissal (direct imprisonment) from SAPS/MPS but their departmental sanction was not a dismissal sanction, IPID must inform the SAPS/MPS about the criminal sanction;
8.10.12	<p>Where IPID is not in agreement with the departmental sanction, based on the seriousness of the charge, IPID should request SAPS/ MPS to send the departmental case for review.</p> <p>On receipt of a departmental outcome, the Provincial Management must indicate on said feedback if they are satisfied with the outcome/sanction prior to sending it scanned copy to National Office (applicable monitoring section).</p>

8.11 Further Investigation: PDM Cases:

Once the referral/ recommendation has been sent to the relevant stakeholder (NPA, SAPS or MPS) the following process will apply:

NO	PROCEDURE
8.11.1	<p>Criminal PDM Process:</p> <ol style="list-style-type: none"> Upon receipt of the feedback of the referral to the NPA, update the CMS and attend to any outstanding enquiries and/or directives; All queries and B/F's given by the NPA should be recorded on the CMS (also refer to 8.10.3 above); All dockets where the NPA has given a B/F must be submitted to the Provincial

	<p>Management group and/or Supervisor five (5) days before the docket must be submitted to the NPA for inspection and compliance with the NPA directives.</p> <p>iv. Upon receipt of the decision for the NPA, the CMS should be updated and based on the decision the case will be regarded as ready for court, or ready for disposal/closure if applicable;</p> <p>v. Once the case has been to court and is on the court roll, update the CMS with appearance dates and every subsequent appearance date until such time the case is concluded in court;</p> <p>vi. Upon receipt of an outcome after the case had gone to court, update the CMS with the outcome within fourteen (14) days after receiving the outcome, draft a closure report and refer the case to the Provincial Management for closure;</p> <p>vii. Within 14 days of the case being ready for closure after outcome captured as above, Provincial Management must ensure that the case is closed,</p> <p>viii. Any case which has been closed as "undetected" can be re-opened upon obtaining new evidence which will enable IPID to make a recommendation to SAPS or refer a case to the NPA for decision;</p> <p>ix. These cases will be reported on statistically as "re-opened" cases in order for it not to effect previously generated statistical data;</p>
8.11.2	<p>Departmental PDM Process:</p> <p>i. Upon receipt of the feedback of the recommendation, update the CMS;</p> <p>ii. Upon receipt of an outcome after the case had been through the disciplinary process, update the CMS with the outcome within fourteen (14) days after receiving the outcome.</p>

8.12 Special Attention Relating to each Case Classification:

8.12.1	<p>Deaths in Custody or As a Result of Police Action:</p> <p>Section 28(1)(a) or (b) of Act Read with Regulation 4 and 8</p> <ul style="list-style-type: none"> • Recording notifications • Attending scenes
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	<ul style="list-style-type: none"> • Safety on scene • LCRC • Firearm proficiency of SAPS/MPS members • Evidence collected and recorded in CIJ • Attending post mortem • LCRC • Evidence collected and recorded in CIJ • Communication with stakeholders <ul style="list-style-type: none"> ○ 7 days after registration ○ 90 days whilst investigation on-going ○ 90 days after case status has changed to decision ready • Completion and uploading of relevant IPID forms
8.12.2	<p>Complaints of a Discharge of an Official Firearm: Section 28(1)(c) of Act Read with Regulation 6</p> <ul style="list-style-type: none"> • Determine if IPID has been provided with a complaint of a discharge or a notification of a discharge? • Firearm proficiency of SAPS/MPS member(s) • Prelim report as to investigation and does it merit a full investigation.
8.12.3	<p>Complaints Relating to any Rape Matter: Section 28(1)(d)-(e) of Act Read with Regulation 5</p> <ul style="list-style-type: none"> • Medical practitioner • J88 and sexual assault kit • Evidence collected and recorded in CIJ • Statement of person to which rape was first reported to • Compliance with Criminal Law (Forensic Procedures) Amendment Act 37 of 2013 and its Regulations.
8.12.4	<p>Complaints Relating to any Assault/Torture Matter: Section 28(1)(f) of Act Read with Regulation 5 Preserve crime scene if possible and attend scene</p> <ul style="list-style-type: none"> • Medical practitioner – J88 • Blood samples (where applicable) – Torture-related cases • Evidence collected and recorded in CIJ.
8.12.5	<p>Complaints Relating to any Corruption Matter:</p>

	Section 28(1)(g) of Act Read with Regulation 5: <ul style="list-style-type: none"> Above R 100 000 ensure compliance with Section 34(1) and 34(3)(a) of the Prevention and Combating of Corrupt Activities Act.
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8.13 Procedure for the Investigation of Section 28(2) Cases Where the Case has Initially Been Registered under Another Classification

NO	PROCEDURE
8.13.1	Upon identification of a case of possible systemic corruption where the case was not registered as a systemic corruption case, write a report and submit said report as per the CMS activity requesting that the case be re-classified as a systemic corruption investigation to reflect as such on completion. The request along with the signed and scanned report is forwarded to the NHI;
8.13.2	If approval is granted by the NHI, the response is forwarded and acknowledged to the respective province. The case can then be completed as a systemic corruption investigation (through reclassification) once the case is ready to be completed; No case can be re-classified as a Section 28(2) matter without approval by the NHI;
8.13.3	Irrespective if the case has already been registered or not and approval is not granted continue with the case as directed by NHI;
8.13.4	Where no docket is opened, ensure that the case docket is opened if applicable;
8.13.5	Follow Further Investigation: Active Investigations process, as indicated as per par 8.10 above, in terms of completion the case.

8.14 Procedures Relating to Identification Parades, Taking of Affidavits, Giving Evidence, Production of Documents and Submission of Information and Cooperation by Police

NO	PROCEDURE
8.14.1	This is to be dealt with in terms of Regulation 9;
8.14.2	The procedures relating to the arrangement and holding of identification parades, the taking of affidavits or the production of documents in the possession or under control of the SAPS or MPS which have a bearing on the matter being investigated and the submission of any other information or documentation required for investigation purposes must be conducted in accordance with the relevant procedures applicable to

	members of the SAPS/MPS;
8.14.3	A member of IPID may require written reasons for failure by a member of SAPS/MPS to comply with the above-mentioned request for cooperation and may make recommendations to the NHI or relevant Provincial Head regarding disciplinary measures to be taken against the said, offending member.

8.15 Procedure for Electronic Archiving of Investigative Documentation at Closure of the Case

	PROCEDURE FOR ARCHIVING OF DOCKETS
8.15.1	At the time the case is ready for closure, investigative support must conduct a docket vs CMS comparison to establish if the entire case is uploaded onto the CMS and give feedback to the I/O if anything is outstanding;
8.15.2	Provincial Management must confirm that the entire content of the docket has been uploaded unto the CMS by means of a journal entry before the docket can be returned to SAPS;

8.16 Procedure for Obtaining and Returning SAPS Dockets

	PROCEDURE FOR OBTAINING SAPS DOCKETS
8.16.1	Request docket from the Provincial/ Station/ Branch Commander;
8.16.2	Ensure that the Provincial/ Station/ Branch Commander transfers the docket on the CAS system and records on the register in accordance with the provision of the SAPS Standing Operating Procedure (SOP) dated 20/11/2007;
8.16.3	Make an OB Entry to confirm receipt of docket from the station and member concerned;
8.16.4	Record the transaction on the IPID manual docket register;
8.16.5	On arrival at the office ensure that the information on the CMS is updated;
	PROCEDURE FOR RETURNING SAPS DOCKETS
8.16.6	Before any docket can be returned, it must be confirmed that the entire content of the docket has been uploaded unto the CMS as per 18.5.2 above; When returning the docket ensure that the Provincial/ Station/ Branch Commander transfers the docket on the CAS system and records in the register in accordance with

	the provisions of the SAPS Standing Operating Procedure (SOP) dated 20/11/2007;
8.16.7	Make an OB Entry to confirm return of the docket to the station and member concerned; or when the docket is returned to SAPS (other than at the station), written proof should be obtained;
8.16.8	Record the transaction on the IPID manual docket register;
8.16.9	On arrival at the office ensure that the information on the CMS is updated;
8.16.10	Any other provincial arrangements may be made as to the logistical arrangements regarding obtaining and returning of dockets as the case may be. These arrangements should be documented and signed by the relevant Provincial Management and SAPS/MPS counterpart.

8.17 Arrests by IPID (Read with ED Directive 10 of 2014)

NO	PROCEDURE
8.17.1	In case of the possibility of arrest an Investigator should preferably obtain a warrant of arrest, in the event of an arrest without a warrant, the Investigator must consult with the Provincial Management before effecting the arrest. In the event that the Provincial Management is unsure as to arrest, Legal Services must be consulted; In high profile cases the ED, NHI and Provincial Management should always be consulted and informed prior to the arrest;
8.17.2	The EH of MPS, the Station Commander as well as the Provincial Commissioner of SAPS must be informed within 24 hours after the arrest has been effected and the National commissioner must be informed of any arrest of any General;

8.18 DNA - Forensic Samples

NO	PROCEDURE
8.18.1	In any case where any "buccal sample" may be required, only IPID officials authorised to do so in terms of the Criminal Law (Forensic Procedures) Amendment Act 37 of 2013 and its Regulations may take the samples;
8.18.2	Where IPID officials are not allowed to take said (DNA related) sample, he/she should ensure that the sample(s) are taken by an qualified medical practitioner as indicated in the said Act;
8.18.3	Once samples are collected ensure delivery of the samples to the relevant

	laboratory for analysis of same;
8.18.4	Record all activities undertaken on CMS.

8.19 Conflict of Interest

NO	PROCEDURE
8.19.1	In the case where the Investigator has an actual or perceived conflict of interest in the case that they are investigating, the Conflict of Interest form must be completed;
8.19.2	Upon completion of the said form, it must be escalated to the Investigator's immediate Supervisor for an evaluation;
8.19.3	The matter must be referred to the Provincial Management for final decision;
8.19.4	Whilst the declaration is under consideration, the effected Investigator may not continue with the investigation in question and should hand in all relevant case material to their Supervisor;
8.19.5	In the event it is found that there is a conflict of interest, the case will be re-allocated to an Investigator who is not conflicted;
8.19.6	All applications, communication and decisions relating to the conflict of interest declaration will be done in writing.

8.20 Investigators' Security

NO	PROCEDURE
8.20.1	In the case where the Investigator is threatened in any way during the execution of their duties, the following steps must be taken:
8.20.2	The affected/threatened Investigator immediately reports the incident/threat to their Provincial Management;
8.20.3	The day following the threat (or as soon as reasonably possible), the affected member will draft a report/memorandum to the said Provincial Management who in turn will escalate it matter to the NHI;
8.20.4	The NHI will after consultation, respond to the Provincial Management and indicate the most appropriate way to proceed in the regard;
8.20.5	Possible responses to the threat could include (but is not limited to):

	<ul style="list-style-type: none">i. Activation of NSIT members to assist with investigation of threat and protection of the Investigator;ii. Instructions to open criminal dockets ;iii. Instructions that case(s) should be handed over to another Investigator within the province;iv. Instructions that case(s) should be handed over to the provincial NSIT Investigator within the province.
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9. REGULATIONS

This SOP should be read together with the Regulations promulgated under Section 34(1) of the Independent Police Investigative Directorate Act 1 of 2011.

10. DELEGATION

10.1 Provincial Heads and Director Investigations should under no circumstances delegate their functions, in terms of this SOP, on a permanent basis to another member of his/her staff.

10.2 The Executive Director delegates authority to the Provincial Head/Director Investigation relating to matters of conflict of interest.

11. PENAL PROVISION

Failure to comply with any provision of this SOP amounts to misconduct and shall be dealt with in terms of the disciplinary code of conduct of the Public Service.

12. REVISION

This SOP shall be revised as and when a need arises. When there is revision or amendment to the SOP – only the affected part/paragraph will be amended and communication will be sent to the Provincial Management with instructions as to the dissemination of information and the date as from which the change will take effect.

13. LIST OF ATTACHED ANNEXURES

13.1	Acknowledgement communication;
13.2	Progress communication;
13.3	Closure communication;
13.4	Section 28(1)(h) request for decision;
13.5	IPID Crime scene report;
13.6	Preliminary report template;
13.7	Case Investigative Report template;
13.8	Departmental Recommendation template;
13.9	Criminal Referral template;
13.10	Declaration of Interest Reporting Form;
13.11	Manual registration/complaints register;
13.12	Closure report template;
13.13	Archiving template;
13.14	Standby Notification Reference Number register;
13.15	Quality Control Form/Docket Checklist;
13.16	Docket movement register;
13.17	Brought Forward register;
13.18	General Recommendation template;
13.19	Policy Recommendation template;

Part B:

Part B:

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INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE STANDARD
OPERATING PROCEDURES RELATING TO INVESTIGATIONS AND FIREARMS

ED Initial: ✓

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1. PREAMBLE/BACKGROUND

The Firearm and Related Equipment Standard Operating Procedure (SOP) establishes a policy and procedure for IPID Investigators/Case Workers authorised to carry firearms in the course and scope of their employment, taking into account its mandate as provided in the Constitution of the Republic of South Africa, 1996; Independent Police Investigative Directorate Act, 2011 (1 of 2011); Independent Police Investigative Regulations, 2012; Firearms Control Act 2000 (60 of 2000); Firearms Control Regulations, 2004 and Criminal Procedure Act, 1977 (51 of 1977).

2. PURPOSE

The purpose of this Firearms And Related Equipment Standard Operating Procedure (SOP) is to establish policy and methods by which official firearms are applied for, requirements for application, responsibilities while in possession of the firearm as well as training on firearms and firearms related issues, while being cognizant of the provisions of the Constitution of the Republic of South Africa Act, Act 108 of 1996; the Independent Police Investigative Directorate Act, Act 1 of 2011; the Firearms Control Act, Act 60 of 2000, as amended; the Criminal Procedure Act 51 of 1977, as amended, the Regulations promulgated under the mentioned legislation and other relevant legislation.

3. POLICY

The policy this SOP is to:

- 3.1 Recognise and respect the value and sanctity of human life;
- 3.2 Define responsibilities of persons as outlined within the SOPs;
- 3.3 Issue permits, firearms and ammunition to IPID Investigators / Case Workers to protect themselves or others from imminent death or serious physical harm;
- 3.4 Restrict the use of deadly force by IPID Investigators / Case Workers acting within the scope of their duties to circumstances where such action is necessary to protect themselves or others from what is reasonably believed to be imminent threat of death or serious physical harm;
- 3.5 Require that before being allowed to carry a firearm on or off duty, IPID members must be fit and proper, be trained on the use and be found competent to handle an IPID official firearm; and
- 3.6 Require IPID Investigators / Case Workers whether they are on duty or off duty to adhere to the guidelines and restrictions regarding their issued firearms, ammunitions and the use of deadly force.

4. DEFINITIONS

4.1	Act - refers to the Firearm Control Act 2000 (Act 60 of 2000);
4.2	Administrative Investigator – means a person appointed by the NHI to investigate a discharge or loss of a firearm, as the case may be. This would be a person higher in rank level to those who would be the subject of an investigation;
4.3	Ammunition - means a primer or complete cartridge, issued by the IPID from time to time to its Investigators/Case Workers (only ammunition issued by IPID may be used for training and day-to-day carry purposes);
4.4	Annual Proficiency Shoot – means a practical evaluation of an official's ability to handle a firearm, under the supervision of an accredited Range Officer, against a standard exceeding the basic standard as contemplated in relevant SAQA unit standard;
4.5	Cartridge - means a complete object consisting of a cartridge case, primer, propellant and bullet;
4.6	Case Worker – means any official who handles cases and includes a Data Capturer/Database Clerk, Investigator, Senior Investigator, Principal Investigator, Assistant Director Investigations, Deputy Director Investigations and Director Investigations (Deputy Provincial Head);
4.7	Competency Certificate - means a Competency Certificate contemplated in terms of Chapter 5 of the Firearms Control Act;
4.8	Deadly Force - means any force that may reasonably cause death or serious physical harm to a person (Should be read with Section 49 (2) of the Criminal Procedure Act);
4.9	Discharge of a Firearm - refers to any instance where an IPID issued firearm has been discharged, except during a proficiency training exercise;
4.10	DPCI – refers Directorate for Priority Crime Investigation;
4.11	Executive Director (ED) – refers to the Executive Director of IPID appointed in terms of Section 6 of the IPID Act, 2011;
	Firearm means any - (a) device manufactured or designed to propel a bullet or projectile through a barrel or cylinder by means of burning propellant, at a muzzle energy exceeding 8 joules (6 ft-lbs);
	(b) device manufactured or designed to discharge rim-fire, centre-fire or pin-fire

	ammunition;
	(c) device which is not at the time capable of discharging any bullet or projectile, but which can be readily altered to be a firearm within the meaning of paragraphs (a) or (b);
	(d) device manufactured to discharge a bullet or any other projectile of .22 calibre or higher at a muzzle energy of more than 8 joules (6 ft-lbs), by means of compressed gas and not by means of burning propellant; or
4.12	(e) barrel, frame or receiver of a device referred to in paragraphs (a), (b), (c).
4.13	Firearm Permit - means a prescribed form issued by the department to an IPID Investigator/Case Worker to possess a firearm;
4.14	Firearm Proficiency Qualification – refers to a process of qualifying in respect of the knowledge of Firearms Control Act, 2000 and Regulation, 2004, applicable to possessing a firearm in terms of the South African Qualifications Authority (SAQA) Unit Standards dealing with the use of firearms;
4.15	Fixed permit – refers to a permit allowing the permanent use of an official firearm;
4.16	IPID Investigative Team – means IPID investigative personnel assigned by the ED to conduct an IPID administrative investigation of a discharge of a firearm;
4.17	Imminent - means impending or about to happen;
4.18	Impaired – refers to an IPID Investigator/Case Worker whose capabilities have been affected by the use of any substance which has an intoxicating or narcotic effect resulting in a decreased ability to perform assigned duties and specifically in relation to carrying of a firearm and ammunition;
4.19	LCRC – means the Local Criminal Records Centre;
4.20	National Head of Investigations (NHI) – The Programme 2 Manager who is responsible for national oversight of IPID investigations;
4.21	Proficiency Certificate – means a certificate issued by and accredited service provider indicating that members passed and met SAQA training standards;
4.22	Provincial Management – consists of the Provincial Head and Deputy Provincial Head;
4.23	Reasonable belief – means what an ordinary prudent person with similar training and experience would have concluded given the same set of circumstances and available information;
4.24	Regulations – means Firearm Control Regulations, 2004;
4.25	Residence – means temporary or permanent place of residence where the

	IPID Investigator/Case Worker resides;
4.26	Responsible Person (RP) – refers a person delegated in writing by the ED and appointed as the Responsible Person as per the requirements of Section 98 (2) of the Firearm Control Act; and
4.27	Temporary permit – refers to a permit to carry a firearm that is linked to a specific timeframe, project or any request where the period of expiry will be determined by the RP.

5. SCOPE OF THIS SOP

5.1	This SOP shall be of application and shall only be amended or repealed as the case may be in light of any new SOP or legislative development;
5.2	This SOP shall be used in the spirit of the Firearms Control Act, Firearms Regulations and Criminal Procedure Act;
5.3	It shall apply to the conditions related to the use, permit application, issuing, training, qualification criteria, carrying, maintenance and storage of the IPID firearms and ammunitions; and
5.4	It shall also apply to the investigation to be conducted in the event of an IPID Investigator/Case Worker being involved in a discharge of a firearm where an IPID issued firearms was involved.

6. DUTIES AND RESPONSIBILITIES

6.1 The ED shall be responsible for:

6.1.1	The appointment of the RP in line with Section 98(2) of the Firearms Control Regulations, 2004 relating to issuing of permits and the recording firearms and ammunition issued to, and received from employees;
6.1.2	The approval of the procurement and replacement of firearms, ammunition and related equipment upon advice by the NHI;
6.1.3	The approval of accredited Firearm Training Service Providers; and
6.1.4	Any appeals relating to the withdrawal or suspension of a firearm permit issued to an IPID Investigator /Case Worker by the RP.

6.2 The National Head of Investigations shall be responsible for:

6.2.1	The development and review of all firearm related policies in use by the IPID;
6.2.2	Identifying any IPID firearm related procurement and disposal needs and making such recommendations to the ED;
6.2.3	The evaluation and recommendation of the appointment of accredited Firearm Training Service Providers;
6.2.4	Ensuring the safekeeping and storage of all firearms and ammunition (including related equipment) as well as procurement and/or the issuing of equipment to the provinces in terms of this SOP are in line with relevant prescripts and comply with the provision of Annexure 5 and 6;
6.2.5	Ensuring proper record keeping and safekeeping of required records to show the use and disposal of firearms and ammunition;
6.2.6	Ensuring that all records of firearm permits issued to IPID Official/ Case Worker are kept;
6.2.7	Ensuring that the firearms and related equipment are marked with unique numbers (if required by legislation);
6.2.8	Reviewing a request made for the application of an IPID permit by staff stationed at National Office (but not the satellite office within National Office);
6.2.9	Ensuring the half-yearly inspection of firearm, ammunition and related equipment register and the physical comparison of register with the firearms, ammunition and related equipment in the safes or strongroom on the National Office inventory;
6.2.10	Ensuring that inspection reports are consolidated and submitted to the ED annually;
6.2.11	Ensuring the physical inspections of IPID firearms in the Provincial Offices (Annexure 12);
6.2.12	Ensuring that Firearm Stock Register is kept in accordance with Section 99(1) of the Firearms Control Act and Regulation 81 and that the register content complies with regulation 82;
6.2.13	Ensuring that the task team leader submit a report on the usage of all firearm related equipment that was issued by IPID and was accounted for and returned to the original issuing province;
6.2.14	Ensuring that all members in possession of IPID firearms and permits attends at least a practical evaluation shoot annually;

6.2.15	Engage with SAPS/MPS and ensure that a Memorandum of Understanding is drafted relating to interdepartmental transfers of firearms, training and access to SAPS ranges; and
6.2.16	The appointment of the IPID Investigator / Case Worker (in case of a discharge or loss of a firearm) to conduct subsequent administrative investigation and reviewing of findings of such reports.

6.3 The Provincial Management shall be responsible for:

6.3.1	Ensuring compliance with the provisions of the IPID Official Firearm Control Standard Operating Procedure;
6.3.2	Half-yearly inspections of the firearms, ammunition and other investigative related equipment, for each permit holder (Annexure 12 and 20), and physically compare it with the firearms, ammunition and related equipment as issued to the IPID Investigator / Case Worker and forward a report to the NHI and RP as to the result of the inspection;
6.3.3	Ensuring that the inspection of firearms, ammunition and related equipment is conducted in accordance with the Asset Management procedures;
6.3.5	Ensuring firearms, ammunition and related equipment are available for stock taking by Asset Management in accordance with the Asset Management Procedures;
6.3.6	Ensuring proper record keeping relating to certificates and records for attendance of the Firearm Proficiency Qualification Course and shooting exercises attended by IPID Investigators / Case Workers;
6.3.7	Reviewing applications and renewals of permits to possess an IPID firearm and ensuring administrative compliance of the applications/renewals;
6.3.8	Reviewing applications to be issued with an IPID firearms and ensuring administrative compliance of the issuing of the firearm and ammunition;
6.3.9	Ensuring that lost, damaged or redundant firearms and related equipment are reported to the NHI;
6.3.10	Ensuring that an IPID issued firearm safe is inspected at the residence of the IPID Investigator / Case Worker who wants to be issued with a permanent firearm and where the official, who is issued with the firearm and safe, re-locates or moves, the safe is removed and re-installed on the new premises and inspected;

	(The cost of installation and relocation installation remains the responsibility of the IPID Investigator / Case Worker who was issued the safe)
6.3.11	Verification of safes and vaults at IPID Investigators / Case Workers in residential places;
6.3.13	Ensuring that a caseworker submits a report on the usage of all firearm related equipment that was issued by IPID. This report was then submitted to the NHI and the RP;
6.3.14	Ensuring that case worker(s) involved in any discharging their firearm or witnessing a discharge, undergoes psychological debriefing within 48 hours in line with regulation 79 (2)(b)(ii) – if required;
6.3.15	Ensuring that all discharges where a IPID Investigator / Case Worker is involved is reported to the NHI and DPCI or SAPS for investigation;
6.3.16	For the recording and record keeping of members alleged to be suffering from a psychological condition that would warrant the withdrawal for said members' official firearm and/or permit. The withdrawal can be done without first seeking approval from the departmental Responsible Person. (Refer to Annexure 15). The withdrawal can only be overturned upon the submission of a medical report from a certified medical practitioner stating that the affected person is deemed to be fit to possess a firearm;
6.3.17	The overall safekeeping of IPID firearms, ammunition and related equipment within their respective provincial and regional offices; and
6.3.18	Ensuring that firearms that are handed in at the province are returned to National Office within 10 working days of it being handed in at the province.

6.4 The RP shall be responsible for:

6.4.1	Review all applications for permits and renewal of permits;
6.4.2	Approval and issuing of all types of permits (including renewals);
6.4.3	Issuing of all IPID official firearms and ammunition to IPID officials with valid permits;
6.4.4	Keeping record of firearm permits issued to IPID Investigators / Case Workers;
6.4.5	Keeping all required records to show the use and disposal of firearms and ammunition;
6.4.6	Keeping the Firearm Stock Register in accordance with Section 99(1) of the

	Firearms Control Act and regulation 81 and that the register content complies with regulation 82.
6.4.7	The supervision of the stock-taking of IPID firearms, ammunition and related equipment;
6.4.8	Conducting the physical inspections of IPID firearms in the Provincial Offices annually;
6.4.9	Develop annual practical evaluation testing schedule and ensure that all members in possession of IPID firearms and permits attends at least one practical evaluation shoot annually;
6.4.10	Compiling a report annually to the ED and NHI indicating: Types of permits issued; Number of permits issued; Number of firearm issued and returned; and Number of practical shoots held and number of staff that attended. This report is to be consolidated and also forwarded to the Registrar annually; and
6.4.11	Engaging integrity management as to integrity testing of permit holders of official firearms.

6.5 The Security Management is responsible for:

6.5.1	The verification of safes, strongrooms and vaults for the storage of IPID firearms, ammunition and related equipment in IPID National Office;
6.5.2	Ensuring that safes, strongrooms and vaults comply with security requirements and relevant prescripts;
6.5.3	Ensuring access to the safe/strongroom where the firearms are kept is properly monitored and all accessing of the safe/strongroom is recorded;
6.5.4	The supervision of the tagging of IPID firearms, ammunition and related equipment;
6.5.5	The supervision of the stock-taking of IPID firearms, ammunition and related equipment;
6.5.6	Verify and endorse relevant documentation whenever IPID firearms and/or ammunition is removed from/or returned to IPID National Office strongroom; and
6.5.7	The overall safekeeping of IPID firearms, ammunition and related equipment.

6.6 The IPID Investigators / Case Workers shall be responsible for:

6.6.1	Safekeeping of an IPID firearm, ammunition and related equipment issued to him/her;
6.6.2	Informing the Provincial Management of any discharge of an IPID firearm whether it involves him/her or any other IPID Investigator / Case Worker;
6.6.3	Informing the Provincial Management of any loss of IPID firearm related equipment issued to them;
6.6.4	Attending the Firearms Proficiency Training and shooting exercise within twelve months of assumption of duty for the first time users (if not in possession of a proficiency certificate issued by an accredited SAQA service provider);
6.6.5	Availing the IPID issued firearms for inspection, servicing, repair and stock-taking when necessary;
6.6.6	Reporting any defect to the IPID firearm issued to him/her (Annexure 10 to be completed);
6.6.7	Applying for a permit (and renewal) to be issued an IPID firearm and furnish all relevant documents to the RP through the Provincial Management;
6.6.8	Attending a practical evaluation shoot to sustain department proficiency level annually; and
6.6.9	Making requests for the issue of an IPID firearm after permit has been approved.

7. ISSUING OF A FIREARM, AMMUNITION AND RELATED EQUIPMENT

7.1	Official firearms and ammunition will only be issued from National Office;
7.2	Official firearms will only be issued after the official requesting to be issued has communicated with the Security Unit and the Responsible Person in writing to set an appointment regarding issuing of firearm and collection of the firearm;
7.3	An IPID firearm will be issued to a qualifying IPID Investigator / Case Worker with a permit;
7.4	In the event that the IPID Investigator / Case Worker is not in possession of an IPID permit, no official firearm will be issued;
7.5	The IPID Investigator / Case Worker will be issued with a firearm, ammunition and related equipment provided he/she meets the requirements of Section 9(2)

	of the Firearms Control Act, 2000 (Act No 60 of 2000) and Clause 79 and 80 of the Firearms Control Regulations, which deal with competency certificates to possess and handle firearms. For the purposes of this SOP, such an IPID Investigator / Case Worker will be issued an IPID firearm, ammunition and related equipment if he/she:
7.5.1	Is 21 years or older on the day the application is received [by the DI];
7.5.2	Is a South African citizen or a holder of a permanent South African residence permit;
7.5.3	Is a fit and proper person to possess a firearm;
7.5.4	Is of stable mental condition and not inclined to violence;
7.5.5	Is not dependent on any substance which has an intoxicating or narcotic effect;
7.5.6	Has not been convicted of an offence under or in terms of this Act or the previous Act and sentenced to a period of imprisonment without the option of a fine;
7.5.7	Has not been convicted, whether in or outside South Africa, of an offence involving the unlawful use or handling of a firearm by him or her or another participant to the offence, whether committed in or outside South Africa;
7.5.8	Has not been convicted, whether in or outside South Africa, of an offence involving –
	(i) violence or sexual abuse, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine;
	(ii) physical or sexual abuse which occurred within a domestic relationship as defined in section 1 of the Domestic Violence Act, 1998 (Act No. 116 of 1998), whether committed in or outside South Africa;
7.5.9	Has not been convicted of fraud in relation to, or supplying false information for the purposes of, obtaining a competency certificate, licence, permit or authorisation in terms of this Act or the previous Act;
7.5.10	Has not been convicted, whether in or outside South Africa, of an offence involving the abuse of alcohol or drugs, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine;
7.5.11	Has not been convicted, whether in or outside South Africa, of an offence involving dealing in drugs, whether committed in or outside South Africa, and

	sentenced to a period of imprisonment without the option of a fine;
7.5.12	Has not been convicted of an offence in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998) and sentenced to a period of imprisonment without the option of a fine;
7.5.13	Has not been convicted of an offence involving the negligent handling of a firearm;
7.5.14	Has not been convicted of an offence in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and sentenced to a period of imprisonment without the option of a fine;
7.5.15	Has not been convicted, whether in or outside South Africa, of an offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing, whether committed in or outside South Africa;
7.5.16	Has not become or been declared unfit to possess a firearm or in terms of this Act or the previous Act;
7.5.17	Has successfully completed the prescribed test on knowledge of this Act;
7.5.18	Has successfully completed the prescribed training and practical tests regarding the safe and efficient handling of a firearm; and
7.5.19	Has, where applicable, successfully completed the prescribed training and practical tests for firearms dealers, manufacturers, gunsmiths, security officers or other persons who use firearms in the course of their business.

8. RETURNING OF A FIREARM, AMMUNITION AND RELATED EQUIPMENT

8.1	Official firearms and ammunition should be returned at National Office;
8.2	In the event a firearm and ammunition cannot be returned to National Office it may be booked in at the relevant Provincial Office but the province must ensure that the firearm and ammunition is returned to National Office within 10 working days after receiving it at the relevant Provincial Office;
8.3	Official firearms should be returned by the official to whom the firearm and ammunition was issued and should engage with the Security Unit and the Responsible Person in writing to set an appointment regarding the return;
8.4	If Official Firearms are to be returned to National Office, only IPID officials that are proficient in the handling of firearms are allowed to transport the said firearm and/or ammunition.

9. TRAINING IN RESPECT OF FIREARMS

9.1	An IPID Investigator / Case Worker issued or eligible to be issued with a firearm shall attend or submit proof that they have attended a Firearm Proficiency Qualification Course in the last 5 years;
9.2	The Firearm Proficiency Qualification Course shall comply with:
9.2.1	SAQA Unit Standards dealing with handling of a handgun (SAQA Unit Standard 119 649), shotgun (SAQA Unit Standard 119 652) and semi-automatic rifles (SAQA Unit Standard 119 650);
9.2.2	SAQA Unit Standards dealing with Knowledge of the Firearms Control Act 60 of 2000 (SAQA Unit Standard 117 705);
9.2.3	The SAQA Unit Standards 117 705 and 119 649 are the minimum requirements to be issued with an official firearm (handgun);
9.3	The IPID shall, for the purpose of Firearm Proficiency Qualification Course, use the services of a service provider accredited by SASSETA in order to ensure that proper standards and controls are maintained with regard to training and testing of IPID Investigators/Case Workers;
9.4	The proficiency certificate obtained upon the attendance of the Firearm Proficiency Qualification Course becomes a prerequisite for a permit to possess, handle and store IPID firearms and such permit will remain valid for one on condition that within that period the IPID Investigator attends the annual shoots and will be renewed annually;
9.5	In the event that an IPID Investigator / Case Worker fails to attend and or submit proof of an annual practical evaluation shoot, they must surrender their official firearm and ammunition immediately until such time that they are again issued with a permit based on their re-application for the said permit;
9.6	Newly appointed IPID Investigators / Case Workers should undergo an practical assessment within 6 months of appointment, in which the IPID establishes his/her level of proficiency in line with their issued proficiency certificate(s);
9.7	All IPID Investigator / Case Worker issued with an official firearm shall annually attend a shooting exercise at a recognised shooting range chosen and identified by the IPID; and
9.8	The practical shooting exercise contemplated in 9.7 above, will be at a minimum of SAQA Unit Standard 119 649 with the exception of the size of the target being A4 and not A3.

10. PROCEDURES

10.1.1 APPLICATION TO BE ISSUED WITH A FIXED PERMIT TO POSSESS AND HANDLE AN IPID FIREARM AND AMMUNITION

Stage	Description
1	<p>The IPID Investigator / Case Worker must submit a written application containing the following information to be issued with a fixed permit to possess IPID firearm, ammunition and related equipment. This application should be submitted to the Provincial Management for review:</p> <ul style="list-style-type: none"> (a) Memo/statement indicating the reason/need for the application; (b) Including the need to have a safe installed in/on their premises; (c) All relevant annexures (Annexures 1, 3-6 and 9); and (d) All relevant proof required to accompany application.
2	<p>Upon receipt of the written application, the Provincial Management must satisfy himself/herself that the IPID Investigator / Case Worker:</p> <ul style="list-style-type: none"> (a) is fit to possess a firearm; (b) has passed SAQA accredited Firearms Training; (c) has been cleared criminally by the SAPS; (d) needs a firearm for private defence; and (e) has a safe or applied for a safe that meets with the requirements set out in the Firearms Control Act, 2000 (Act 60 of 2000).
3	<p>Upon the satisfaction that an IPID Investigator / Case Worker meets the conditions set out in stage 2 above, the Provincial Management may recommend the application to the RP. In the event the Provincial Management is of the opinion that the firearm is not required, the application along with a memo from the Provincial Management indicating the reason why they are not in support of the application must be forwarded to the RP;</p>
4	<p>Upon receipt of the application, the RP, will either approve or disapprove the application for a fixed permit. The RP's decision must then be communicated to the applicant.</p>
5	<p>A permit granted in terms of this section may not exceed 12 months.</p>

10.1.2 APPLICATION TO BE ISSUED WITH A TEMPORARY PERMIT TO POSSESS AN IPID FIREARM AND AMMUNITION

Stage	Description
1	<p>The IPID Investigator / Case Worker must submit a written application containing the following information to be issued with a temporary permit to possess IPID firearm, ammunition and related equipment. This application should be submitted to the Provincial Management for review:</p> <ul style="list-style-type: none"> (a) Memo/statement indicating the reason/need for the application and why a temporary permit must be issued where the fixed permit application process cannot be followed; (b) Including the need to have a safe installed in/on their premises; (c) All relevant annexures (Annexures 1, 3-6 and 9); and (d) All relevant proof required to accompany application.
2	<p>Upon receipt of the written application, the Provincial Management must: satisfy himself/herself that the IPID Investigator / Case Worker:</p> <ul style="list-style-type: none"> (a) is fit to possess a firearm; (b) has passed SAQA accredited Firearms Training; (c) has been cleared criminally by the SAPS; (d) needs a firearm for private defence; and (e) has a safe or applied for a safe that meets with the requirements set out in the Firearms Control Act, 2000 (Act 60 of 2000).
3	<p>Upon the satisfaction that an IPID Investigator / Case Worker satisfies the conditions set out in stage 2 above, the Provincial Management must forward the application to the RP. In the event that Provincial Management is of the opinion that the firearm is not required, the application along with a memo from the Provincial Management indicating the reason why they are not in support of the application must be forwarded to the RP;</p>
4	<p>Upon receipt of the application, the RP, will either approve or disapprove the application. The RP's decision must then be communicated to the applicant.</p>
5	<p>A permit granted in terms of this section may not exceed 3 months and may only be renewed once.</p>

* Note:

- That any safe that IPID provided to an IPID Investigator / Case Worker applying for an official firearm and permit must carry the costs associated with the installation of

the safe. If the official is to relocate, the official is responsible for the removal and re-installation of the IPID issued safe in their new residential premises.

- That in the event that the official relocates, the said official must within 7 days of relocating inform the Provincial Management about the relocation who in turn must ensure that the new premises and safe is inspected within 7 working days after the location has been communicated.
- If an official fails to report the said relocation within the period specified, administrative action may be taken against the said official.

10.1.3 RENEWAL OF VALID FIXED FIREARM PERMIT THAT HAS BEEN ISSUED TO AN IPID OFFICIAL AND THE OFFICIAL HAS ATTENDED AN ANNUAL PROFICIENCY SHOOT

Process	Description
1	Applications for renewals should be done at least 1 month prior to permit expiring; This application should be submitted to the Provincial Management for review: <ul style="list-style-type: none"> (a) Submit application for renewal as per relevant annexure (Annexure 18); (b) Attach Annexure 3 and 4; and (c) Attach proof of attending and passing annual proficiency shoot. (Minimum level of proficiency is discussed in 9.8 above)
2	The Provincial Management must: satisfy himself/herself that the application is completed correctly, that the renewal of the permit is required and sign the documents where after the application is submitted to the RP; and
3	RP will evaluate the renewal application and re-issue permit if all the requirements are met in terms of the application and proof.

* Note:

- The responsibility to apply for renewal of the permit remains that of the official in possession of a permit;
- In the even that a person fails to apply for renewal prior to the expiry date, the firearm and ammunition must be surrendered before on the day that the permit expires;
- The official would have to follow the application process as discussed as per paragraph 10.1.1 above.

10.2 REQUEST TO BE ISSUED WITH A IPID FIREARM, AMMUNITION AND RELATED EQUIPMENT

Process	Description
1	The IPID Investigator / Case Worker must submit written application on the Annexure 2 Form to the Security Unit and RP, as well as a copy of the permit issued to the member by the RP, and indicate when they will be available to come and collect the firearm or make arrangements for the firearm to be handed over;
2	The issue form, Annexure 11 must be completed upon issuing of the firearm and ammunition. If the request has been denied, Annexure 13 must be completed;

***Note that no firearm and /or ammunition may be issued without the presence of the Security Unit representative.**

10.3 RETURN OF A IPID FIREARM, AMMUNITION AND RELATED EQUIPMENT

Process	Description
1	The IPID Investigator / Case Worker must return/surrender the official firearm and ammunition prior or on the day that the permit expires.
2	The IPID Investigator / Case Worker must engage the Security Unit and RP at National Office and indicate when they will be available to return the firearm to National Office or the province. (Note that a firearm handed in at a Provincial Office must be returned to National Office within 10 working days after being received by the province).
3	The equipment return form, Annexure 19 must be completed upon return of the firearm and ammunition.

***Note that no firearm may be returned without the presence of the Security Unit representative.**

10.4 DISCREPANCIES IDENTIFIED WITH ANY IPID ISSUED EQUIPMENT

Process	Description
1	Provincial Management must inspect IPID issued firearms and ammunition at least twice a year (Annexure 12 and 20);
2	Where there is any discrepancy regarding the equipment allocated to the official versus the inspected equipment, the Provincial Management must request the

	official to respond in writing to explain the discrepancy. (this includes but is not limited to the number and type of rounds issued to the official);
3	If Provincial Management is not satisfied with the response given by the official, it must be escalated to the NHI for their consideration;
4	All firearms returned may be, subject to the discretion of IPID, sent for ballistic testing prior to re-issuing to another official; and
5	If an IPID firearm is positively linked to any outstanding SAPS investigation, the member involved will immediately surrender all IPID firearm related equipment and may be subjected to departmental disciplinary process.

10.5 ISSUING OF FIREARM, AMMUNITION AND RELATED EQUIPMENT FOR TASK TEAM DUTIES

Process	Description
1	The NHI issues an order for a task team in writing which is endorsed by the ED.
2	In the event that firearms, ammunition or related equipment is required, the order will be issued with an instruction to the RP to issue temporary permits to members, provided the task team members meet the requirements as per Section 98(8) of the Firearm Control Act and this SOPs.
3	The RP must issue firearms to the designated members.
4	The task team member must comply with all the relevant procedures contained in the SOP and legislation and regulations.
5	Members of the task team must return the IPID firearms, ammunition and related equipment immediately (within 24 hours) after the completion of the task.
6	Should the expiry date of the temporary permit expire prior to the completion of the identified project, the task team leader / manager must within 48 hours before the permit expires, apply for extension to the RP with an affidavit explaining the reason for the extension as well as indicating what period of time will still be required to complete the project.
7	The task team leader / manager must compile a report of the returned firearms, ammunition and related equipment and submit it to the NHI and the ED.

11. THE CARRY AND USE OF OFFICIAL FIREARMS, AMMUNITION AND RELATED EQUIPMENT

Process	Description
11.1	An IPID Investigator / Case Worker who has reported on duty may not use his/her private firearm during the execution of his/her official duties;
11.2	Only IPID issued ammunition may be fired with an official firearm (this applies to any type of ammunition identified by IPID for practical proficiency shoots (Full Metal Jacket) or to be carried (Jacketed Hollow Point));
11.3	No IPID Investigator / Case Worker will be allowed to carry his/her official firearm while a live round is chambered;
11.4	If a firearm or ammunition issued to an IPID Investigator / Case Worker becomes unserviceable, the firearm or ammunition may be replaced with another firearm or ammunition, provided that the exchange must be done with the necessary accounting transactions in the register and other relevant records and procurement prescripts have been followed;
11.5	An IPID Investigator / Case Worker who is in possession of an official firearm must have his/her permit to possess the official firearm with him/her at all times. Failure to comply with Section 98(7) is a criminal offence;
11.6	An IPID Investigator / Case Worker may only draw and display an IPID issued firearm when he/she reasonably believes that there is a danger to his/her safety or the safety of others; and
11.7	An IPID Investigator / Case Worker may discharge an IPID issued firearm only when he/she reasonably believes that there is an imminent danger to his/her safety or the safety of others.

12. AN INCIDENT RELATING TO THE DISCHARGE OF AN IPID ISSUED FIREARM

12.1 At the scene

12.1	In the event of an IPID Investigator / Case Worker being involved in an incident where an IPID issued firearm was discharged (causing an injury or not), he/she must take the following actions, in line with the IPID Investigation Standard Operating Procedures:
12.1.1	If possible, immediately disarm any injured person and request emergency medical aid;
12.1.2	Immediately, or as soon as it is reasonably possible, notify the South African Police Service as well as their Provincial Management;

12.1.	The Provincial Management to whom this incident is reported will immediately inform the DCPI that there has been an incident involving an IPID firearm and there is an injury as a result of the discharge and that they should attend the scene and take over the investigation (where no injury was sustained – SAPS can continue with the investigation);
12.1.4	The IPID Investigator / Case Worker may not disturb (and ensure nobody else disturbs) any item of evidence at the scene of shooting, such as fired cartridge cases, bullets and clothing;
12.1.5	Cooperate with any person officially involved with the investigation;
12.1.6	Complete and submit the Discharge Incident Report Form, (Annexure 7) within 24 hours to their Provincial Management, except in cases where the IPID Investigator / Case Worker is injured or declared unfit to do so by a qualified practitioner, in which case the report must be submitted as soon as practically possible. If Case Worker was declared unfit to complete the form, a medical certificate indicating such, or a sworn statement by the Provincial Management must accompany Discharge Incident Report Form;
12.1.7	The Provincial Management to whom the matter is reported must within 24 hours of the notification of a discharge inform the NHI as per Annexure 16;
12.1.8	Should there be reasonable suspicion that the IPID Investigator / Case Worker was under the influence of alcohol or any substance with intoxicating effect at the time of the discharge, Provincial Management must assist in ensuring that blood and/or urine sample or any other sample, as may be permissible in law, was obtained and taken for analyses;

12.2 Subsequent Administrative Investigation

12.2.1	Upon notification of an incident, the Provincial Management must notify the NHI within 24 hours of becoming aware of such incident and submit the completed discharge/loss form as well as accompanying notification (Applicable Annexures 7 and/or 8 and/or 16);
12.2.2	The NHI shall as soon as practicably possible appoint an IPID Investigator / Case Worker, or a team thereof, to conduct the Administrative Investigation of the incident;
12.2.3	The member appointed shall summon the duty officer that attended the scene, the LCRC official and reconstruct the scene where necessary;
12.2.4	The administrative investigator must ascertain the number and type of ammunition

	issued to the IPID Investigator / Case Worker, how many were fired and how many unfired rounds were found;
12.2.5	The administrative investigator should work in conjunction with the DPCI investigator and identify witnesses, conduct interviews and obtain statements (IPID should not take the lead in the investigation but work alongside the DPCI);
12.2.6	The administrative investigation shall be completed within five (5) working days after DPCI report has been made available and the appointed member shall submit the completed report to the Provincial Management, who will then forward the report to the NHI for review and decision on competency of the case worker and steps to be taken against the case worker (if any);
12.2.7	Any IPID Investigator/Case Worker involved in a discharge of a firearm, and who was sent for debriefing, may be assigned to non-investigative duties, if that was the recommendation of the debriefing councillor, until otherwise directed by the Provincial Management after the recommendations of the NHI;
12.2.8	Any conflicts resulting from the on-going administrative review must be brought to the attention of the NHI.

13. WITHDRAWAL OF AN OFFICIAL FIREARM PERMIT

13.1 Process after administrative investigation

13.1.1	After the Administrative Investigation of a case of the discharge of a IPID issued firearm, the administrative investigator may make a recommendation of his/her findings to the NHI;
13.1.2	The NHI may recommend that an IPID Investigator / Case Worker be declared unfit to possess an official firearm or recommend any sanction they find fit falling short of declaring the official unfit and may include (but not limited to): <ul style="list-style-type: none"> (a) Recommending disciplinary steps be instituted (b) Recommending suspending the members permit (c) Recommending the official be resent for training on the relevant unit standards;
13.1.3	The RP, may after evaluating the administrative investigation recommendation and consulting with the NHI, make the appropriate finding;
13.1.4	The RP shall issue a notice with his/her decision to the IPID Investigator / Case Worker involved.

13.1.5	In the event that the RP decides to suspend or revoke the IPID Investigator / Case Worker's permit, the IPID Investigator / Case Worker will surrender his/her permit, firearm ammunition and related equipment immediately and within 24 hours after the equipment has been surrendered, arrangements should be made by the effected Provincial Management for the equipment's return to National Office (if not surrendered to National Office);
13.1.6	In the event that the Case Worker would like to appeal the decision, the appeal can be directed to the ED, in writing, within 21 days after the decision of the RP was communicated to the Case Worker.

13.2 Process where IPID Investigator/Case Worker has shown threatening behaviour towards others or made remarks of harming themselves

Process	Description
1	A statement under oath is made regarding the conduct of the IPID Investigator / Case Worker and be given to the Provincial Management;
	If the Provincial Management is of the opinion that based on the statement referred to above justifies the firearm to be removed they must
2	If the Provincial Management is of the opinion that based on the statement referred to above justifies the firearm to be removed they must inform the RP and the Provincial Management must instruct the IPID Investigator / Case Worker to surrender the firearm, ammunition, any related equipment issued to the Investigator/Case Worker immediately;
3	The Provincial Management must provide the RP with the written description of the matter within 14 days of it being brought to the attention of the Provincial Management;
4	The RP can, after evaluating the documentation, issue a certificate declaring the IPID Investigator / Case Worker unfit to possess a firearm. The said evaluation and decision by the RP must be finalised within 7 days of it being brought to the attention of the RP;
5	The surrendered equipment can be stored at the province concerned for a maximum period of 10 working days after which it must be returned to National Office.

*the declaration of unfitness will be dealt with in accordance with the Public Service Code of Conduct.

14. CARRYING, TRANSPORTING AND CONTROL OF IPID OFFICIAL FIREARM, AMMUNITION AND RELATED EQUIPMENT

- 14.1 All IPID firearms must be carried in accordance with the provisions of Regulation 78 (b) of the Firearms Control Act, 2000 (Act No. 60 of 2000).
- 14.2 All IPID firearms must be transported in accordance with the provisions of Sections 86 and 87 of the Firearms Control Act, 2000 (Act No. 60 of 2000).

15. LIABILITY/INDEMNITY CLAUSE

- 15.1.1 The IPID shall not be liable for any damages or injury arising out of the use, by an IPID Investigator/Case Worker of an IPID issued firearm, where the use of firearm is contrary to the provisions of this SOPS, Firearms Control Act, Regulations, and Criminal Procedure Act or due to the negligence of such an Investigator/Case Worker.
- 15.1.2 Failure to comply with the provisions of the SOP will constitute misconduct and will be dealt with in terms of the Disciplinary Code and Procedure of the Public Service unless such non-compliance is also a contravention of any other law of the Republic of South Africa.
- 15.1.3 With regard to third party claims the only legal duty of care is that which is imposed by law. Thus a permit allocated in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000) does not exempt the holder from having to comply with the provisions of any other law.

16. ANNEXURES:

The following annexures are attached with and incorporated as part of this Standard Operating Procedure:

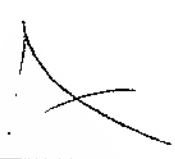
Annexure 1	Application to be issued with a permit to possess a firearm and ammunition;
Annexure 2	Application to be issued with an IPID firearm, ammunition and related equipment;
Annexure 3	Declaration of fitness to be issued with a permit and firearm, ammunition and related equipment;
Annexure 4	Fitness questionnaire to possess an official firearm;
Annexure 5	IPID safe verification form
Annexure 6	Requirements for safes, strong rooms, apparatuses, devices or instruments for the safekeeping of firearms and ammunition form;
Annexure 7	Discharge incident report form;
Annexure 8	Report of loss/theft of firearm
Annexure 9	Acknowledgement of the consequences of negligent loss of firearm form;
Annexure 10	Report of unsafe firearm form;
Annexure 11	Firearm, ammunition and related equipment issue form
Annexure 12	Firearm, ammunition and related equipment inspection form
Annexure 13	Notification of failure to qualify for the issuing of firearm
Annexure 14	IPID firearm, ammunition and related equipment audit form.
Annexure 15	Withdrawal of IPID firearm permit and official firearm due to identified possible psychological illness through treats to others or self-harm
Annexure 16	Report of discharge by Provincial Management to National Head of Investigations
Annexure 17	Outcome of Administrative Investigation
Annexure 18	Renewal of official firearm permit
Annexure 19	Firearm, ammunition and related equipment return form
Annexure 20	IPID Firearm, Ammunition And Related Equipment Inspection Form – Provincial Management

CHECKLIST

S/NO	CONTENT	YES	NO
1	Does the policy document have a cover page?	✓	
2	Policy number?	✓	
3	Policy reference number?	✓	
4	Does the policy document have table of content for easy referencing?	✓	
5	Does the policy have a "Policy Title"?	✓	
6	Does the policy have a "Preamble/Background"?	✓	
7	Does the policy have a "Purpose"?	✓	
8	Is the policy document classified (head and footer)?	✓	
9	Is the document numbered accordingly (page numbering)?	✓	
10	Does the policy have a "Scope"?	✓	
11	Does the policy contain "Terms and Definitions"?	✓	
12	Is the paragraphs including sub-sub paragraph clearly numbered accordingly? Define multilevel list	✓	
13	Is the policy framework from which the policy is derived from included in the policy documents (provisions)?	✓	
14	Does the policy have penalties or remedial actions or sanctions for non-compliance?	✓	
15	Is there a policy implementation plan for this policy?		✓
16	How the policy will be monitored in order to evaluate its effectiveness and impact?	✓	
17	Is the review process clearly defined in the policy document?	✓	

18	Was the policy work shopped with all affected and interested stakeholder prior to implementation?		✓
19	Does the policy clearly indicate how deviations should be dealt with by the employees or staff concerned?		✓
20	Was the policy send to Legal Services for legal compliance?	✓	✓ X

QUALITY CONTROL CHECK SIGNED BY RESPONSIBILITY MANAGER:




 RESPONSIBILITY MANAGER

28/03/2019

 DATE

QUALITY ASSURANCE SIGNED BY KNOWLEDGE MANAGEMENT (KM):



 DEPUTY DIRECTOR: KM

28/03/2019

 DATE



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 144 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: provincie.details@ipid.gov.za

Mr. XXXXX Address Address Postal code	Case Control Number: 2017020098 Registration Date: 06/02/2017
--	--

Subject: A receipt for the notification forwarded

IMPORTANT - DO NOT LOSE THIS RECEIPT

According to the document(s) received you have been recorded as:

Notifying party (SAPS/MPS)

Complainant

Victim

Next of Kin

This is a receipt for the Complaint you have just filed. It bears a Complaint Number above which identifies the Complaint.

Any future communication concerning this matter should refer to the Complaint Number.

If you have additional information or questions, you may call the IPID at **011 220 1500** during the hours of 08h00 to 16h30. You will be contacted during the processing of this matter and at the time a decision is reached concerning a final disposition. Thank you for your assistance.

The Independent Police Investigative Directorate

Investigator: Name _____ Signature _____

Date: _____

***** CONFIDENTIAL *****



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Mr. XXXXX Address Address Postal code	Case Control Number: 2017020098 Registration Date: 06/02/2017
--	--

Subject: Progress Communication on complaint forwarded to IPID

The current position regarding the complaint that you have forwarded is:

- Under investigation
- Completed departmentally – recommendation sent
- Completed departmentally – awaiting outcome of recommendation
- Completed criminally – referred for decision
- Decision - Prosecute
- Decision – Declined to prosecute
- Case referred to XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

If you have any questions, you may call the IPID at **011 220 1500** during the hours of 08h00 to 16h30.
Thank you for your assistance.

The Independent Police Investigative Directorate

Investigator: Name _____ Signature _____

Date: _____



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Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

Mr. XXXXX Address Address Postal code	Case Control Number: 2017020098 Registration Date: 06/02/2017
--	--

Subject: Closure Communication of Case CCN

Please note that the case, CCN....., is to be closed and below is the reason for the said closure:

- Case referred to XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
- Decision – Declined to prosecute
- Conviction in court
- Acquittal in court

If you have any questions, you may call the IPID at **011 220 1500** during the hours of 08h00 to 16h30.
Thank you for your assistance.

The Independent Police Investigative Directorate

Investigator: Name _____ Signature _____

Date: _____

CONFIDENTIAL



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

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Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

MEMORANDUM

To : Executive Director: IPID
Mr. RJ McBride

From : XXXXXXXXXXXXXXXXXXXXXXXX

Date : XXXXXXXXXXXX

Subject : Request to Make a Determination in Respect of a Section 28(1)(h) Matter

Priority : High

Annexures : A: Section 28(1)(h) template
B: List of attached documentation
C: XX
D: ZZZ

1. PURPOSE

The purpose of this memorandum is to inform the Executive Director pertaining to a complaint against the (short description of allegation)

2. BACKGROUND

Short description of allegation as captured on the template

3. DISCUSSION

3.1 The matter was referred to the Executive Director for evaluation and decision as per the attached, approved Section 28(1)(h) form (Annexure XX)

3.2 Any other pertinent information the province wishes to add.

4. REQUEST

Province name, requests approval/referral of the formal complaint received by the office.

- a) I confirm that the above complies with and is not in contravention with relevant and applicable Prescripts or legislation.
- (b) I confirm that the above is in line with the PFMA and the Treasury Regulations.
- (c) I confirm that the information in the submission have been verified to be correct and accurate.

CONFIDENTIAL

(Name)

Date

(Rank)

IPID Province

RECOMMENDED /NOT RECOMMENDED

MR. M. SESOKO

NATIONAL HEAD OF INVESTIGATIONS

DATE:

DECISION

MR. R.J. MCBRIDE

EXECUTIVE DIRECTOR

DATE:



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 114 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

Section 28(1)(h) covering memo

To: The Executive Director: IPID

From: XXXXXXXXXXXXXXXXXXXXXXXX

Subject: Request to make a determination as to a Section 28(1)(h) case

Reference: (Station) and CAS (CAS number):
(Offence):

1. Background:

Where cases are registered as Section 28 (1)(h) matters, the Executive Director is required to make a determination as to the investigation of such cases. Find attached this offices request to make such a determination based on the information presented.

2. Summary of allegation

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX – give a summary of the complaint as received

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX – give a summary of what has been done since the complaint has been received

3. Case Docket Contents:

3.1 Please find attached the original contents of the IPID Case Docket (Station) CAS (CAS number) containing the following information;

Reference	Case Docket Content
A1	(Indicate nature of attached in case docket)
A2	
A3	
A4	
A5	
A6	
A7	
A8	
A9	
A10	
A11	
A12	
A13	
A14	
A15	

Brief description of merits of complaint received:

Analysis of complaint:

Prospect of successful Investigation

Below 50%	50%	Above 50%
-----------	-----	-----------

Recommendation as to investigation:

Investigate X	Refer X
------------------	------------

This matter is referred to your office for a decision.
Please find attached all documentation as received by this office relating to the matter.

Mr AAAAAAAAAAAAAA
Provincial Head/ Director Investigation: Province
Date: _____

RECOMMENDED /NOT RECOMMENDED

MR. DDDDDDDDDDDDDDD

PROGRAMME 2 MANAGER

DATE: _____

DECISION:

MR. ZZZZZZZZZZ

EXECUTIVE DIRECTOR: IPID

DATE: _____

Confidential

IPID 2019/2020



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

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IPID CRIME SCENE REPORT

(To be completed by IPID Investigator when attending a scene)

1. REFERENCE NUMBERS

1.1. IPID Office: _____ CCN: _____

Standby Notification Reference Number: _____

1.2. SAPS/METRO Station Area: _____

CAS NO: _____

2. IPID PERSONNEL PRESENT

2.1. Investigative Supervisor:

2.2. IPID Investigator:

2.3. Other IPID Personnel:

3. SAPS/METRO MEMBERS PRESENT

3.1. Crime Scene Officer: Name:

Station:

Rank: _____

3.2. SAPS/METRO Investigating Officer: _____

Name: _____

Station: _____

Rank: _____

4. ARRIVAL AT SCENE: Date: _____ Time: _____

5. SAPS MEMBER IN CHARGE OF THE SCENE: _____

6. ADDRESS/LOCALITY OF SCENE: _____

 (Full address or locality of scene)

When arriving at scene:

In the event of a case as per Section 28(1)(a), (b), (c), (d), (e) of (f):

Was a request made to the SAPS member in charge of the scene to provide assistance relating to:

<u>Yes</u>	<u>No</u>	<u>Type</u>
		Providing of crime kits
		Providing of forensic evidence bags
		Any other type of assistance:

Was failure to assist explained as a contravention of Section 29 of the IPID Act and those possible criminal actions can result in the event of a failure to assist?

<u>Yes</u>	<u>No</u>

Response of SAPS member on scene:

Signature of IPID official:

Signature of SAPS official:

Name, Surname, Rank:

I, _____ hereby confirm that I attended the scene on (location) _____, at (time and date) _____ and that the following SAPS official _____, confirms my attendance on the date, time and location as indicated.

Signature of IPID official:

Signature of SAPS official:

SAPS Persal Number:

Name, Surname, Rank:

Date:

Time:

7. DESCRIPTION OF SCENE UPDN ARRIVAL[∞]

7.1. Indoors/Outdoors.

7.2. Urban/Rural Area.

- 7.3 House/Business Premises/ Warehouse/Police Station/Police cells/Field/Public Road/ Farm/ Other
- 7.4. Visibility: Good/Weak/Bad. 7.5. Rain/Sunshine.
- 7.6. Natural/Artificial Light. 7.7. Open/Built up/Bush/Grass/ Water/ Other:
- 7.8. Cordoned Off: Yes/No. 7.9. Deceased/Victim on Scene: Yes/No.
- 7.10 Injured Person on Scene: Yes/No. 7.11. Exhibits on Scene: Yes/No.
- 7.12. Forensic Experts on Scene: Yes/No. 7.13 Witnesses at Scene: Yes/No.
- 7.14 SAPS/METRO member(s) involved at Scene: Yes/No.

8. PARTICULARS OF INJURED PERSONS

8.1. Name

Age: ____ Sex: ____ Telephone No: (H) ____ (W) ____

Address _____

8.2 Name:

Age: ____ Sex: ____ Telephone No: (H) ____ (W) ____

Address: _____

8.3 Name:

Age: ____ Sex: ____ Telephone No: (H) ____ (W) ____

Address: _____

9. PARTICULARS OF DECEASED

9.1 Name:

Age: _____ Sex: _____ Race: _____

Address:

9.1.1. Apparent Manner of Death:

(E.g. Gunshot/Knife Wound/Dog Bite/Asphyxiation)

9.1.2 Family of deceased identified? YES/ NO - If "Yes" provide details:

9.2. Name:

Age: _____ Sex: _____ Race: _____

Address:

9.2.1. Apparent Manner of Death:

(E.g. Gunshot/Knife Wound/Dog Bite/Asphyxiation)

9.2.2 Family of deceased identified? YES/ NO - If "Yes" provide details:

9.3. Name:

Age: _____ Sex: _____ Race: _____

Address:

9.3.1. Apparent Manner of Death:

(E.g. Gunshot/ Knife Wound /Bite/Asphyxiation)

9.3.2 Family of deceased identified? YES/ NO - If "Yes" provide details:

10. PARTICULARS OF WITNESSES

10.1. Name:

Address:

Tel. No. (H) _____ (W) _____ (Cell) _____

10.1.1 Interview arranged: YES/NO.

For: Date: _____ Time: _____

Venue:

10.2. Name:

Address:

Tel. No. (H) _____ (W) _____ (Cell) _____

10.2.1. Interview arranged: YES/NO.

For: Date: _____ Time: _____

Venue:

10.3. Name:

Address:

Tel. No. (H) _____ (W) _____ (Cell) _____

10.3.1. Interview arranged: YES/NO.

For: Date: _____ Time: _____

Venue:

10.4. Name:

Address:

Tel. No. (H) _____ (W) _____ (Cell) _____

10.4.1. Interview arranged: YES/NO.

For: Date: _____ Time: _____

Venue:

11. PARTICULARS OF SAPS/METRO MEMBER/S INVOLVED

11.1. Name:

Service Number: _____ Rank: _____

Station: _____ Unit: _____

11.2. Name:

Service Number: _____ Rank: _____

Station: _____ Unit: _____

11.3. Name:

Service Number: _____ Rank: _____

Station: _____ Unit: _____

12. EXHIBITS ON THE SCENE: (Describe each exhibit and the place where it was found)

12.1. _____

12.2. _____

12.3. _____

12.4. _____

12.5. _____

12.6. _____

12.7. _____

12.8. _____

- 12.9. _____
- 12.10. _____
- 12.11. _____
- 12.12. _____

13. MANNER OF DISPOSAL OF EXHIBITS

- 13.1. _____
- 13.2. _____
- 13.3. _____
- 13.4. _____
- 13.5. _____
- 13.6. _____
- 13.7. _____
- 13.8. _____
- 13.9. _____
- 13.10. _____
- 13.11. _____
- 13.12. _____

(E.g. Taken by SAPS/METRO investigating officer/Ballistic expert/Pathologist)

14. FORENSIC AND OTHER EXPERTS AT SCENE

- 14.1. Fingerprint:

Name and Contact details

Name and Contact details

Name and Contact details

Name and Contact details

Name, Field of expertise, Organisation and Contact details

[illegible]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

16.1 Name of family member communicated with: _____

16.2 Contact details of family member: _____

16.3 Information obtained from family member:

[illegible]

Date: _____

Time: _____

17. IPID POST MORTEM REPORT

17 IPID PERSONNEL PRESENT

17.1. Investigative Supervisor:

17.2. IPID Investigator:

17.3. Other IPID Personnel:

18. START OF POST MORTEM:

19. Date: _____ Time: _____

20. ADDRESS/LOCALITY OF SCENE:

(Full address or locality of scene)

21. POST MORTEM DATA

21.1. Name of the deceased: _____

Body No: _____

21.2 Name of the Pathologist/Doctor:

21.3 Place and Date: _____

21.4 ID Number: _____ or Date of Birth _____

21.5 Observations: _____

21.5.1. IPID investigators requested Pathologist/Doctor to specifically look at/focus on:

21.6 Doctor's Findings:

21.7 Cause of Death:

21.8 Signature and date of the individual acknowledging that IPID investigator was present at Post Mortem:

Name of individual:

Signature:

Date:

Signature of IPID Investigator

[∞] Delete where not applicable



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Preliminary report relating to cases in terms of the IPID Act, Act 1 of 2011

In terms of the Regulation 4.3 and Regulation 6, IPID may conduct a preliminary investigation in order to establish the feasibility to fully investigate the complaint reported. This preliminary investigation may not exceed 30 days.

CCN Number: _____

CAS Number: _____

Criminal Charge: _____

PRELIMINARY INVESTIGATIVE REPORT RELATING TO SEC 28 (1) MATTERS

COMPLAINANT DETAILS			
CCN:			
Complaint received date:		Suspect identification:	
Preliminary report date:		Investigator:	
Complainant			
SAPS CR/CAS number:		Police Station:	
Source of Complaint			
Summary Of Complaint			

Preliminary Investigation and Evaluation

Recommendation:

After reviewing the allegation as provided by SAPS/Complainant, the following decision was taken:

Will the matter be investigated by IPID in full:

Yes

No

If "Yes", provide reason for decision:

If "No", provide reason for decision and method of disposal:

SIGNATURE OF INVESTIGATOR:

FULL NAMES OF IPID INVESTIGATOR:

APPROVED / NOT APPROVED

FULL NAMES OF IPID DIRECTOR INVESTIGATIONS:

SIGNATURE OF IPID DIRECTOR INVESTIGATIONS:
DATE :

- This form must be completed for all matters ito Section 28 (1) where a preliminary investigation was conducted



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Case Investigative Report

To: Provincial Management: Province

From: Investigator details

Reference: Station CAS xxx/zz/2017; Assault GBH; CCN >>>>>>>>>>

IPID Classification: Section (28(1)(x)

Suspects: Suspects **with persal numbers** – Constable D Soap (xxxxxxxxxx)

Summary of Allegations:

- Brief description

Case Docket Contents:

- Brief description

Reference	Case Docket Content
A1	
A2	
A3	
A4	
A5	

Analysis

- Analysis of evidence at hand
- In addition, indicate if there is an need to reclassify the case which will be done on the completion of the criminal referral or next highest completion method in the completion "hierarchy."

IPID Recommendation:

Based on the information available at this time it is recommended that the investigator create departmental recommendations and refer the case for a decision to the NPA.

Mr A B C Soap
Principal Investigator
IPID

Date _____

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Based on the evidence presented the following determination is made:

Complete the following recommendations:

Type of recommendation	Mark if applicable
Referral to NPA	
Recommendation to SAPS	
Policy Recommendation	
General Closure Report	

Mr A B C Soap
Rank (Provincial Management)
IPID Province

Date

CONFIDENTIAL



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001, City Forum Building, 114 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

SAPS MEMORANDUM

To: Office of the SAPS Provincial Commissioner
Province

From: Independent Police Investigative Directorate
Province

Subject: Initiation of Disciplinary Recommendations in terms of §30 of the IPID Act

Classification: In terms of Section 28(1)(b) of IPID Act, Death as a result of Police Action

Reference: (Station) CAS (CAS number): (Offence): CCN (CCN number)

Alleged Offence: Murder

Suspects: Rank, Suspect (Persal) – ALL THE SUSPECTS

Recommendation type: Positive / Negative / None

Summary of Allegations:

XXXXX.

Case Docket Contents

- In terms of section 30 of the IPID Act No. 1 of 2011 read with the SAPS Disciplinary Regulations issued on the 1 November 2016, you are hereby directed to initiate disciplinary proceedings against XXXXXX with force number XXXXX and XXXXX with force number XXXX attached to the XXXXXXXX.
- The investigation is complete and all the necessary statements/reports/technical/expert reports are attached in the docket for your attention.
- Please find attached copies of the content of IPID Case Docket (CCN XXXXXXXXXX) containing the following information:

Reference	Case Docket Content
A1	
A2	
A3	
A4	
A5	
A6	
A7	
A8	
A9	
A10	

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A11	
A12	
A13	
A14	
A15	
A16	
A17	

IPID Recommendation:

4. Based on the above information contained in the case docket, the IPID recommends that disciplinary steps is taken against XXXXXXXXXXXXXXXX (suspects) for the assault (offence) of XXXX (victim) on XXXXXX (date) at approximately XXXXX (time) at location
5. The following provisions Regulation XXXX of the SAPS 2016 Disciplinary Regulations have relevance in the merits of this case;
 - 5.1. Regulation XXXXXXXX
 - 5.2. Regulation XXXXXXXX;
 - 5.3. Regulation XXXXXXXX;
6. Regulation 5(4) of the SAPS Disciplinary Regulations is also applicable and warrants the institution of an expeditious procedure as provided for in Regulation 9. (if applicable)

Conclusion

IPID awaits your report relating to when the disciplinary action was instituted and how the matter was finalised to enable the institution to comply with the provisions of Section 30(c) of the IPID Act.

Kind Regards

Mr A B C Soap
Investigator
IPID Province

Date

Mr XXXXXXXXXXXXX
Provincial management
IPID Province

Date

CONFIDENTIAL



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 114 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

DPP MEMORANDUM

To: Office of the Director of Public Prosecutions
Province

From: Independent Police Investigative Directorate
Province

Subject: IPID Investigation: Case Docket for DPP Consideration and Decision

Reference: (Station) CAS (CAS number): (Offence): CCN (CCN number)

1. Summary of Allegations:

(Summary of allegations investigated by IPID)

2. Case Docket Contents:

- 2.1 In terms of Section 7(4) of the IPID Act No 1 of 2011, you are hereby requested to make a decision whether or not to prosecute (Rank, Initials and Surname) with Persal No (persal no) attached to the (Station/ Unit/ Section).
- 2.2 The IPID Investigation is complete and all the necessary statements, technical reports and expert reports are attached in the docket for your attention in accordance with Regulation 5(3)(i) of the IPID Regulations issued on the 10 February 2012, under Government Notice No 35018.
- 2.3 Please find attached the original contents of the IPID Case Docket (Station) Cas (cas number) and CCN (ccn number) containing the following information;

Reference	Case Docket Content
A1	(Indicate nature of attached in case docket)
A2	
A3	
A4	
A5	
A6	
A7	
A8	
A9	
A10	
A11	
A12	
A13	
A14	
A15	

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A16	
-----	--

3. IPID Opinion

IPID, based on its investigation id of the opinion that there:

- Is a prima facie case that needs to be answered by the suspect(s)
- Is no prima facie case that needs to be answered by the suspect(s)
- Is a limited/no chance of a successful prosecution
- (Other) _____

4. IPID Request

Based on the information contained in the case docket above, it is the request of the IPID that the NPA should in terms of Section 179(2) of the Constitution of the Republic of South Africa make a decision whether or not to institute criminal proceedings against (Rank, Initials and Surname) with Persal No (persal.no), and to carry out any necessary functions incidental to instituting criminal proceedings.

5. Conclusion

In terms of Section 7(5) of the IPID Act, the IPID awaits your decision in accordance with your constitutional mandate as per Section 179(2) of the Constitution referred to above, to enable the institution IPID to comply with its obligations as provided for in Section 7(5) of IPID Act.

Kind Regards

(Name Investigator)
(Rank)
IPID Province

Date

(Name)
(Rank)
IPID Province

Date



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 114 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

DECLARATION OF INTEREST REPORTING FORM

Section 25 of the IPID provides that:

"(1) No member of the Directorate may conduct an investigation, or render assistance with an investigation in respect of a matter in which he or she has a financial or any other interest which might preclude him or her from exercising or performing his or her powers, duties and functions in an objective manner.

(2) If, during an investigation, it appears to a member of the Directorate that a matter concerns a financial or other interest of that member as referred to in subsection (1), that member must:-

- (a) immediately and fully disclose the fact and nature of that interest to the Executive Director
- (b) withdraw from any further involvement in that investigation."

The process to make a decision regarding the conflict of interest is outlines as per Paragraph 8.19 of the Standard Operating Procedure.

Details:	
Name of person making declaration	
Case number (CCN) effected	
Type of matter in terms of Section 28(1)	
State nature of conflict of interest:	

Signature of Investigator:

Full Names of IPID Investigator:

Based on the application and reason(s) provided above the following decision is taken by the immediate supervisor:

Details:		
Name of person making decision:		
Name of person making application:		
Case number (CCN) effected		
Decision	Conflict	
	No Conflict	
	Escalated for decision	
Reasons for Decision		

Full Names of IPID Supervisor:

Date :

Signature of IPID Supervisor:

Based on the application and reason(s) provided above the final decision is taken by the relevant, delegated authority:

Details:		
Name of person making decision:		
Name of person making application:		
Case number (CCN) effected		
Decision	Conflict	
	No Conflict	
	Escalated for decision	
Reasons for Decision		

Full names of person making final decision:

Rank of person making final decision:

Signature of person making final decision:

Date :

[illegible]



Closure Report

Page 1

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SAPS outcome:

Based on the IPID recommendation forwarded to the SAPS/MPS, departmental steps were taken and the following results were forwarded by the SAPS/MPS regarding the disciplinary recommendation:

Member details	Persal number	Outcome/Saction

NPA decision

The matter was referred to the NPA for decision and the following decision was taken:

To prosecute	
Not to prosecute	

The matter was placed on the court roll as per the following details:

Court name	Case Number	First appearance	Last appearance

After the matter went to court the following outcome was obtained:

Outcome	Sentence
Guilty	
Not guilty	N/A

The Case Management System is updated accordingly and the docket can be returned to SAPS.

Mr A B C Soap
Principal Investigator
IPID Mpumalanga

Date

Mr XXXXXXXXXXXX
Provincial Management
IPID Province

Date



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 144 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

Case Control Number: 2017020098

Archiving Date: **06/02/2017**

Subject: Electronic Archiving of Case CCN

Manual comparison regarding docket content and CMS upload:

Manual comparison has been done and the following was established:

- Content is uploaded in full
- Not all content has been uploaded and referred back to responsible investigator

Verifying officials details:

Name: _____

Signature: _____

Date

Confirmation that entire docket has been uploaded onto the system

- Docket uploaded and case ready for closure

Approving officials details (Provincial Management):

Name: _____

Signature: _____

--

Date

CONFIDENTIAL



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X11325, Nelspruit, 1200, 1st Floor, Permanent Building, 27 Brown Street, Nelspruit, 1201
Tel.: (013) 754 1000 Fax: (013) 752 2602, Email: complaints@ipid.gov.za

Investigation Checklist		Obtained/Done If Not Done, Indicate Reasons
1	Written complaint received, stamped (including time) and filed	
2	Complaint registered on Manual Registration Register	
3	Time and date on complaint correspond with information on Manual Registration Register and with information on CMS	
4	Complaints form uploaded	
5	Crime scene form uploaded (if applicable)	
6	CIC confirmed classification	
7	CIC - allocation to investigator and directives issued	
8	B/F issued and all subsequent B/F's adhered to	
9	Docket uplifted and record time period since complaint received till docket uplifted	
10	Acknowledgement sent/handed to reporting person/office/institution	
11	Correspondence sent to Complainant/Victim (A1) and filed	
12	Forwarded to Supervisor for instructions	
13	Victim statement (Verified if obtained by SAPS)	
14	Statements of witnesses if any available (Verified if obtained by SAPS)	
15	SAPS 10	
16	SAPS 14 [Sec 28(1)(a) and (f)]	
17	SAPS 15	
18	SAPS 132 (B)	
19	IPID preliminary report completed for Sec 28 (1) (c) – (not required for a full investigation)	
20	Firearm permit and info relating to last training on firearm in question obtained	
21	AVL Tracking Reports	
22	J88 / Medial Reports	
23	Copy of any cases related (B-clip)	
24	On/Off Duty Statements	
25	Scene Photos & Plan & Key	
26	PM Report	
27	PM Photos	
28	Ballistics Report	
29	PR Kits Report	

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30	Blood/Alcohol Report/	
31	Blood and Skin Biopsy tests (Torture cases)	
32	DNA Report (Rape)	
33	First Report (Rape)	
34	Section 205 (Corruption- Telephone / Bank statements)	
35	Section 252(B) Application Entrapments (Corruption)	
36	Chain Statements (SAP 13 Exhibits; Blood Kits; Deceased)	
37	Ambulance Transportation Report	
38	Toxicology Report	
39	Warning Statements of alleged suspects	
40	IPID I/O Statement at Scene (if applicable)	
41	IPID I/O Statement	
43	Docket and all applicable documents uploaded to CMS	
44	Update Complainant/Victim	
45	Family liaison done	
46	Disposal of SAP13 Exhibits	
47	CIR completed	
48	Recommendations/referrals drafted	
49	Recommendations/referrals approved (Supervisor and Prov. Man)	
50	Recorded in recommendation/referral register	
51	Acting letters where applicable	
52	Section 28(1)(h) approval documents	
53	Section 28(2) approval documents	
54	SAPS/MPS recommendation evaluation form completed and submitted to National Office along with recommendation	
55	NPA referral evaluation form completed and submitted to National Office along with referral	
IF NOT APPLICABLE TO INVESTIGATION INDICATE AS SUCH		

This Investigation is deemed to be a complete and quality investigation and upon perusal of the docket, this investigation is deemed to be completed.

Verified by:

Name

Date

Signature

Approved/ Not Approved

CONFIDENTIAL

Mr/Ms XXXXXXXXXXXXX
Title
IPID XXXXXXXXXXXXX

Date

13.16

[illegible]

CONFIDENTIAL



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 114 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

GENERAL RECOMMENDATION REPORT

To: SAPS Management

From: IPID office details

Subject: Report on IPID investigation

IPID classification: Section 28(1)(b) – Death as a result of police action (as per the IPID Act)

Reference: Station CAS XXXXXXXX: IPID: CCN XXXXXXXXXX

Suspects: Rank, Suspect (Persal) – ALL THE SUSPECTS (unless unknown)

Summary of Allegations:

XXXXX.

IPID Analysis:

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

IPID Recommendation:

- Based on the information contained in the case docket, the IPID recommends that the case be completed and subsequently closed as provided for in the Standard Operating Procedure as a General Completion relating to:

General Completion Type:	
Undetected (Suspect cannot be identified)	
Undetected (Crime/Offence cannot be established)	
Undetected (Complainant uncooperative)	
Closed as Referred	

Conclusion

Based in the investigation conducted and evidence obtained, IPID is not in a position to refer the case to the NPA for a decision nor make any recommendations to the SAPS/MPS and as a result the request is that the case be completed by means of..... (Indicate which method is suggested)

CONFIDENTIAL

IPID is not expecting any feedback as this document is forward to your office for your information only.

Kind Regards

Mr A B C Soap
Principal Investigator
IPID Province

Date

Approved/Not approved/ Comments

Mr XXXXXXXXXXXX
Provincial Management
IPID Province

Date

CONFIDENTIAL



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 114 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0408, Email: complaints@ipid.gov.za

POLICY RECOMMENDATION REPORT

To: Applicable stakeholder

From: IPID Office details

Subject: Policy Recommendation Report

IPID classification: Section 28(1)(b) – Death as a result of police action (as per the IPID Act)

Reference: Station CAS XXXXXXXX: IPID: CCN XXXXXXXXXXXX

Suspects: Rank, Suspect (Persal) – ALL THE SUSPECTS (unless unknown)

Summary of Allegations:

XXXXX.

IPID Analysis:

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Policy Identification and Shortcomings:

Based on the information obtained during the abovementioned investigation, it has been established that there is a deficiency in the policy XXXXXXXXXXXXXXXXXXXX that would have enabled IPID to investigate the allegation.

Explain why the policy should be looked at, reviewed, and amended.

IPID Recommendation:

Based on the above information contained in the case docket, the IPID recommends that the identified policy be amended/reviewed relating to the following:

- 1 AAAAAAA
- 2 BBBB BBB
- 3 CCCCCC

Conclusion

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As IPID has not got the mandate to enforce policy changes, it can however bring such deficiencies under your attention. IPID would encourage the review of the policy in order to assist with future investigations of cases brought to the attention of IPID.

IPID is not expecting any feedback as this document is forward to your office for your information only.

Kind Regards

Mr A B C Soap
Principal Investigator
IPID Province

Date

Approved/Not approved/ Comments

Mr XXXXXXXXXXXX
Provincial Management
IPID Province

Date



ANNEXURE 1

APPLICATION TO BE ISSUED WITH A PERMIT TO POSSESS AN IPID FIREARM

1	APPLICANT 'S DETAILS				
Full Name:					
Identity No:					
Persal No:					
Rank:					
Province/Office:					
Physical Address:					
Type of permit		Fixed		Temporary	
2	Documents submitted in support of the application				
Checklist		Director Investigations		Responsible Person	
		Yes/No	Comment	Yes/No	Comment
2.1	Certified copy of identity document				
2.2	Original competency certificate issued by SAQA accredited Service Provider				
2.3	Copy of SAPS Criminal Clearance Form				
2.4	Completed fitness questionnaire on competency to possess a firearm (Annexure 4)				

IPID Investigator/Case Worker

Date: _____

Recommended/not recommended

Director Investigations/Provincial Head

Date: _____

Approved/no approved

Responsible Person

Date: _____

**ANNEXURE 2****APPLICATION TO BE ISSUED WITH AN IPID FIREARM, AMMUNITION AND RELATED EQUIPMENT**

1	APPLICANT'S DETAILS			
Full Name:				
Identity No:				
Persal No:				
Rank:				
Province/Office:				
Physical Address:				
2	Documents submitted in support of the application			
Checklist				
		<table border="1"><thead><tr><th>Yes</th><th>No</th></tr></thead></table>	Yes	No
Yes	No			
2.1	Permit holder			
2.2	Made written request to Security and RP to be issued along with proposed date & time			
2.3	IPID Safe verification form			
2.4	Does Provincial Management know that the official has applied for issue and will have firearm on their person?			

IPID Investigator/Case Worker

Date: _____

Approved/no approved

Responsible person

Date: _____

Security Representative

Date: _____



DECLARATION OF FITNESS TO BE ISSUED WITH A FIREARM, AMMUNITION AND RELATED EQUIPMENT

I, the undersigned

Full Names: _____ ID No: _____

Persal No: _____ Gender: _____ Physical Address: _____

Do hereby declare and state that the affidavit deposed hereto is to the best of my ability both true and correct.

1.

I am of stable mental condition and not inclined to violence.

2.

I am not dependent of any substance which has an intoxicating or narcotic effect.

3.

I have not yet been convicted of any offence under or in terms of the Firearms Control Act, 2000 (Act No: 60 of 2000) or the Arms and Ammunition Act, 1969 (Act No: 75 of 1969) and sentenced to a period of imprisonment without the option of a fine.

4.

I have not been convicted of an offence involving:

4.1

Violence of sexual abuse, whether committed in or outside South Africa and sentenced to a period of imprisonment without an option of a fine,

4.2

Physical or sexual abuse which occurred within a domestic relationship or defined in section 1 or any offence in terms of the Domestic Violence Act, 1998 (Act No 116 of 1998),

4.3

Fraud in relation to, or supplying false information for the purpose of, obtaining a competency certificate, license, permit or authorization in terms of the firearms Control Act, 200 (Act No. 60 of 2000) or Arms and Ammunition Act, 1969 (Act No. 75 of 1969),

4.4

Abuse of alcohol; or drugs, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine,

4.5

Dealing with drugs, whether committed or outside South Africa, and sentenced to a period of imprisonment with that option of a fine,

4.6

The negligence of handling a firearm,

4.7

An offence in terms of the Explosives Act, 1965 (Act No.26 of 1956) and sentenced to a period of imprisonment without the option of a fine,

4.8

An offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing, whether committed in or outside South Africa,

5.

I have not been declared unfit to possess a firearm in terms of the Firearms Control Act, 2000 or the repealed Arms and Ammunitions Act, 1969,

6.

I have successfully completed the prescribed training and the test for the safe use of firearms and issued with a competency certificate in compliance with SAQA Unit Standards 117705, 119649 and 123515,

7.

I will store the firearm at my place of residence in a safe that conforms to the prescriptions of SABS Standards 953-1 and 953-2 and,

8.

I hereby, also, undertake to inform the Director Investigations of any changes consequential or not, in whole or part, to or with any of the facts or statements made and sworn or affirmed to by me in terms mentioned within the body of this affidavit.

I know and understand the contents of this statement. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my conscience. I swear/affirm that the contents of this statement are true and correct.

Deponent's Signature

I certify that the deponent has knowledge that ****he/she*** knows and understand the contents of this declaration which was ****sworn/solemnly*** affirmed to before me, and that the deponent 's signature was placed in my presence.

Signed at _____ on this _____ (day) of _____
(month) _____ (year)

Signature Commissioner of Oaths

Full Names: _____

Designation: _____

Place: _____

Date: _____

****Delete where not applicable.***



FITNESS QUESTIONNAIRE ON COMPETENCY TO POSSESS A FIREARM

Name: _____

Persal No: _____

Province/Component: _____

Name of person interviewed: _____

Date of interview: _____

1. What is your relationship with the employee: _____
2. How long have you known the employee: _____
3. In your opinion, does the employee have any tendency of violent nature? YES/NO. Please give reasons to your answer:

4. Are you aware of any case of Domestic Violence or Criminal matter involving the use of violence pending against him/her? Please give details.

5. Do you consider the employee to be fit to possess a firearm: YES/NO

Signature of interviewee: _____

Place: _____

Date: _____

Name of official: _____

Signature: _____

Date: _____



IPID SAFE VERIFICATION FORM

I, the undersigned,

_____ the
Director Investigations of the _____ Office of the IPID,

Confirm that,

I have satisfied myself that a safe issued by the IPID, to the IPID Investigator/ Case Worker,

_____ in terms of this SOP, Has been installed at
his/her residence at _____

In the manner provided for in Annexure 6. The Investigator/Case Worker has undertaken to return the safe or reimburse IPID with a reasonable or fair value of the same upon resignation, transfer or dismissal.

Signature of Director Investigations

Date

Signature of Investigator/ Case Worker

Date

PS.

This form shall be completed in duplicate and the original be kept by the Director Investigations, in the event of him/her being the issuing officer, and a copy thereof shall be forwarded to the Responsible Person within 10 working days of issuing a firearm, ammunition and related equipment.



**REQUIREMENTS FOR SAFES, STRONG ROOMS, APPARATUSES, DEVICES OF INSTRUMENTS FOR
SAFEKEEPING OF FIREARMS AND AMMUNITION**

1. SAFES

The requirements with which a safe for the safe-keeping of firearms and ammunition shall comply:

- 1.1. Material: the construction of the safe shall be of mild steel of commercial (or higher) quality,
1. Side thickness, the thickness of the floor, roof and sides shall be at least 2mm and the wall thickness of the door shall be at least 3mm.
2. Specific requirements in respect of the design and construction of the door of a safe referred to in this regulation, shall be following:
 - 2.1. Opening: The door is closed; there shall not be an opening of more than 1mm between the door and the doorframe.
 - 2.2. Locks: The safe door shall be equipped with one lever which shall have not less than 10 levers of which not less than three shall be provided with false notches or a combination lock of the type which has three gears or an electronic lock which complies with the requirements approved of South African Bureau of Standards:
3. The safe shall to the satisfaction of the Range Officer
 - 3.1. Be affixed flush to a floor, wall or other immovable structure or part thereof of the house, flat, residence or other dwelling place of an applicant concerned.

4. STRONG-ROOM

- 4.1. The walls, roof, floor shall be of reinforced concrete of not less than 300mm,
- 4.2. The door must be manufactured from steel,
- 4.3. The thickness of the door shall not be less than 6mm and the door shall be equipped with at least three bolts,
- 4.4. The safe door shall be equipped with a one lever lock which shall have not less than ten levers of which not less three shall be provided with false notches or a combination lock of the type which has three gears or an electronic lock which complies with the requirements approved of ny South African Bureau of Standards, and
- 4.5. A switch shall be installed on the inside of the strong-room connected to a n external warning device such as flashing light or an alarm.

5 APPARATUSES AND INSTRUMENTS

The requirements, with which apparatuses and instruments shall comply with, shall be the following:

- 5.1. Be manufactured from steel of at least 2mm thickness,
- 5.2. Be capable of enclosing or covering the arm concerned wholly,
- 5.3. Have an effective integral locking mechanism,
- 5.4. Have hinge mechanism for the cover or lid thereof which shall ensure that if the locking pin thereof is removed,
- 5.5. Have another mechanism for the cover or lid thereof which shall ensure that if the hinge mechanism is removed, the cover or lid shall nevertheless not being opened or removed, and
- 5.6. Have a facility with the aid or use of which the apparatus or instrument may be affixed to another structure such as a wall or a floor

Acknowledgement by Official

Date:



ANNEXURE 7

DISCHARGE INCIDENT REPORT FORM

SECTION A															
Investigator/Case Worker				Office/Component				Rank				Date of Appointment			
Date of Incident				Time				Place				In/outdoors			
Lighting (Good/Poor)				Artificial/Natural								Duty status (On/off)			
Type of Assignment if on duty															
Reason for Discharging a Firearm		Defend (self)													
		Defend (others)													
		Other (specify)													
Number and Names of officials Originally at scene		1.													
		2.													
		3.													
Did you have prior knowledge that the situation involved a person with a dangerous weapon (Yes/No)															
Who fired first (Investigator/Case Worker or 3 rd party)															
Did you have firearm drawn and ready for use (Yes/No)															
Investigator/Case Worker's Weapon- IPID issued firearm (Yes/No)										Other (specify)					
Make				Serial No.				Number of rounds of ammunition				If not firearm describe it			
Number of 3 rd parties Involved in the Discharge				Gender (Male/Female)				Number of 3 rd parties arrested							
Number of shots fired				Did you have time to aim (Yes/No)				Did you have time to reload (Yes/No)							
Location of victim's Weapon on initial contact?		In hand (X)				In view (X)				No weapon seen (X)				Other (X) specify	
Distance between you and 3 rd party before first shot was fired								Distance between you and 3 rd party when last shot was fired							
Position of Investigator/Case Worker a firearm was discharged		Standing				Sitting				Crouching				Lying down	
Protection used by 3 rd party		Wall				Furniture				Tree				Motor Vehicle	
Protection used by Investigator/Case Worker		Wall				Furniture				Tree				Motor Vehicle	
Describe protective clothing used by															

REPORT OF LOSS/THEFT OF FIREARM

Name :	Rank:	Office:
Make of firearm:	Model:	Serial No:
Caliber:	Date Issued:	Date loss/theft:
Director Investigations:	Has the theft or loss been reported to SAPS: Yes/No	SAPS CAS Ref No:

Narrative description of what led to the loss/theft of a firearm:

Investigator/Case Worker _____ Date: _____

Recommendations:

National Head of Investigations _____ Date: _____



ACKNOWLEDGEMENT OF THE CONSEQUENCES FOR NEGLIGENT HANDLING, USE AND LOSS OF A FIREARM

I, the undersigned,

_____, employed as a _____

_____ at _____ offices of the IPID have taken note that,

In terms of this SOP (as may be amended from time to time), the following instances constitute misconduct:

1. If I lose a firearm in a negligent manner, I fail to keep a firearm which is in my lawful possession in a safe, or fail to take reasonable steps to keep the firearm safe when I carry such firearm on my person or have such firearm under my direct control; or
2. If I, while I am in lawful possession of a firearm, lose such firearm through negligence; or
3. If I, unlawfully discharge a firearm and thereby negligently injure, endanger the life or limb of another person or damage property of any other person, or
4. If I handle a firearm in any negligent manner, whether that firearm discharges or not; or
5. If I handle a firearm while I am under the influence of liquor or drug which has a narcotic effect, or if I supply a firearm to a person whom I know or should reasonably suspect to be under the influence of liquor or a drug which has a narcotic effect; or
6. If I, other than in the exercise of any power or the performance of any duty granted to or imposed upon me under or by virtue of the provisions of any law, or under circumstances where such action is justified under the common law, discharge a firearm in or any public place or on any public road, or any other place to which the public or a part thereof has access.

I am also aware that it is unsafe and negligent to leave a firearm

1. Inside a motor vehicle whether locked or not;
2. In any other place other than a prescribed safe;
3. Under a pillow, in a briefcase, in a cupboard, drawer or other storage place in a house, room, office, whether locked or not;

I have also taken note of the fact that in the event of losing the firearm issued to me, the Independent Police Investigative Directorate has the right to recover the amount of the value of the lost firearm from me

I am in my sound and sober senses and I know the meaning of contents of this certificate

Place : _____

Date : _____

Signature of IPID Investigator/Case Worker

Read and explained to the IPID investigator/Case worker by me. He/she is in his/her sound and sober senses and has indicated to me that he/she knows and understands the contents and meaning of the contents of the above mentioned certificate.

Signature of Director Investigations/ Provincial Head

Place : _____

Date : _____

**REPORT OF AN UNSAFE FIREARM**

Name :	Rank:	Office:
Name of firearm:	Model:	Serial No:
Caliber:	Date Issued:	Office issued by:
Director Investigations/Provincial Head:		Date that firearm became unsafe on:

Narrative description of what cases the firearm to be unsafe:

Processing of Repair:	
Date received _____	Received by: _____
Name of person responsible for repair: _____	

Narrative/description of action taken:	
Date: _____	Signature of Range Officer _____

IPID FIREARM, AMMUNITION AND RELATED EQUIPMENT ISSUE FORM

Issuing Office:	IPID Investigator/Case Worker:	Date:
Firearm:		
1. Manufacturer		
2. Make/ Model		
3. Serial No.		
4. Caliber/Type		
5. Barrel length		
6. Finish/Description		
Ammunition:		
1. Quality of ammunition issued		
2. Type of ammunition		
Magazine:		
1. Number of magazines issued		
Holster:		
1. Number of holsters issued		
2. Type of holsters issued		
3. Number of safes issued		
Safe:		
1. Type of safe		
2. Serial number of safe		
3. Make/Model		
4. Manufacturer		
5. Number of keys		
6. Key's serial number		
7. Location of the safe		

Signature of Recipient_____
Date_____
Signature of Responsible Person_____
Date_____
Signature of Security Official_____
Date



**IPID FIREARM, AMMUNITION AND RELATED EQUIPMENT INSPECTION FORM – PROVINCIAL
MANAGEMENT**

Name IPID Investigator:	Office:	Date:
Name of firearm:	Model/ Caliber:	Serial No:
Provincial Management who did inspection:		

Items inspected	Checked	In line with originally issued	Comments
Indicate Yes/No or Not is Applicable			
Firearm			
Permit			
Ammunition <ul style="list-style-type: none"> Verify number and type of rounds against what was presented vs what was issued 			
Magazines			
Holsters			
Mag Holsters			
Does firearm seem in working order and clean?			

Remarks by Provincial Management:

Signature of IPID Investigator

DATE: _____

Signature of Provincial Management

DATE: _____



NOTIFICATION OF FAILURE TO QUALIFY FOR THE ISSUING OF A FIREARM

To: _____

Your Application to be issued with a firearm dated _____ was evaluated and it was decided that an IPID Official Firearm will not be issued at present.

Reasons

1. _____
2. _____
3. _____
4. _____
5. _____

Signature of Responsible Person

Date



WITHDRAWAL OF IPID FIREARM PERMIT AND OFFICIAL FIREARM DUE TO IDENTIFIED PSYCHOLOGICAL ILLNESS

Province: _____

Date: _____

Case Worker affected: _____

It has come under the attention of the provincial management that the case worker identified above has been displaying a perceived psychological illness:

Identified/reported tendencies associated with:

Nr	Description	Mark with X
1	Signs of depression	
2	Diagnosed with any depression related disorder	
3	Threatening tendencies/behavior towards anyone	
4	Expressed the feeling of hurting/killing themselves	
5	Expressed the feeling hurting/killing any family/next of kin	
6	Expressed the feeling of hurting/killing any co-worker	
7	Other: _____ _____ _____ _____ _____	

Based on the perceived risk(s) identified above, I, _____
in my capacity as _____ hereby evoke IPID
Firearm SOP's paragraph 13.2.2 allowing myself to suspend the identified case workers firearm permit
and/or remove their IPID issued official firearm.

Signature: _____

Signed by: _____

Position: _____

Date: _____

I, the effected case worker, hereby acknowledge the decision taken and accept / challenge.

Signature: _____

Date: _____

**REPORT OF DISCHARGE BY PROVINCIAL MANAGEMENT TO NATIONAL HEAD OF INVESTIGATIONS**

To: The National Head of Investigations

From: Provincial Management (province)

Provincial Management hereby would like to official notify the National Head of Investigations of an notification of a discharge of an official firearm as informed by _____

Member(s) involved			
Office			
Position			
Date of discharge			
Injuries sustained			
Number of people injured			
Rounds discharged			
Preliminary observation relating to discharge	Self defense	Defense of others	Facts surrounding discharge still to be established
Case reported to SAPS			
Case reported to DPCI			

Please find attached the discharge form as received relating to the discharge as per Annexure _____

Your office is requested to appoint an Administrative Investigator to investigate the said matter.

Any other comments:

Name and surname

Rank

Date

**RESULT OF ADMINISTRATIVE INVESTIGATION****To:** XXXXXXXXXXXXXXXXXXXX**From:** Responsible Person (IPID)**Through:** Firearms Control Committee**Through:** National Head of Investigations

There has been information received based on which an administrative investigation was conducted.

Find below the decision of the Responsible Person after consultation with the FCC and the National Head of Investigations:

Permit status	Remain in place	Withdrawn	Suspended
Suspension period			
Additional conditions	Retake applicable SAQA unit standard	Warning (verbal)	Warning (written)
	Other:		

If you are not satisfied with the outcome and/or decision, note that in terms of the policy you may appeal to the Executive Director within 21 days of receiving this outcome notice.

Name and surname**Rank****Date**

I, _____, acknowledge receipt of the decision and accept/appeal the decision and outcome.

Name and surname**Rank****Date**



APPLICATION FOR RENEWAL OF EXISTING FIREARM PERMIT

1	APPLICANT 'S DETAILS		
Full Name:			
Identity No:			
Persal No:			
Rank:			
Province/Office:			
Physical Address:			
Current Type of permit		Fixed	Temporary
Renewal Type of permit		Fixed	Temporary
Has member attended practical shoot in last 12 months under the supervision of a qualified Range Officer?		Yes	No
Did the member pass the shoot to relevant SAQA unit standard levels?		Yes	No
Has the official discharged their official firearm (private/official capacity)		Yes	No
Has administrative investigation been conducted		Yes	No
Has administrative action been finalized and decision taken by RP?		Yes	No
Based on decision, is member still allowed to have a permit?		Yes	No
2	Documents submitted in support of the application		
Checklist		Responsible Person	
		Yes/No	Comment
2.1	This document endorsed by Provincial Management/Task Team supervisor?		
2.2	Is fitness declaration (Annexure 3) attached?		
2.3	Is fitness questionnaire (Annexure 4) attached?		
2.4	Is proof of practical shoot attached (sworn statement by RO will be sufficient)?		
2.5	Sufficient proof to consider the request?		

IPID Investigator/Case Worker

Date: _____

Director Investigations/Provincial Head

Date: _____

Approved/not approved

Responsible Person

Date: _____

**IPID FIREARM, AMMUNITION AND RELATED EQUIPMENT RETURN FORM**

Issuing Office:	IPID Investigator/Case Worker:	Date:
Firearm:		
7. Manufacturer		
8. Make/ Model		
9. Serial No.		
10. Callber/Type		
11. Barrel length		
12. Finish/Description		
Ammunition:		
3. Quality of ammunition returned		
4. Type of ammunition		
Magazine:		
4. Number of magazines returned		
Holster:		
1. Number of holsters returned		
5. Type of holsters returned		
6. Number of safes returned		
Safe:		
8. Type of safe		
9. Serial number of safe		
10. Make/Model		
11. Manufacturer		
12. Number of keys		
13. Key's serial number		
14. Location of the safe		
Permit		
1. Permit issued and handed over		

Signature of Recipient_____
Date_____
Signature of Responsible Person_____
Date_____
Signature of Security Official_____
Date



IPID INVESTIGATIVE EQUIPMENT ISSUED AND INSPECTED FOR FINANCIAL YEAR: 201

Name IPID Investigator:	Office:	Date:
Provincial official who did verification:		

Equipment details:

Equipment issued	Issued?	Description	Inspected
Firearm			
Ammunition			
Holster			
Firearm Permit			
ID/Appointment card			
Bulletproof vest and or plates			
IPID branded clothing			
Torch			
Dictaphone			
Handcuffs			
Fingerprint pad			
Laptop			
3G			
Other			

Signature of IPID Investigator

Signature of Provincial Management

DATE: _____

DATE: _____

Note any discrepancy identified – report must be submitted along with proposed intervention